INTRODUCED BY BARTOLOTTA, BOSCOLA, SCARNATI, LANGERHOLC, FOLMER, BREWSTER, FONTANA, HUTCHINSON, STEFANO, SCHWANK, J. WARD, COLLETT, BLAKE, HAYWOOD, LEACH, SCAVELLO, YUDICHAK, LAUGHLIN, HUGHES, BAKER, STREET, ARGALL, A. WILLIAMS, FARNESE, MENSCH, SABATINA, COSTA, L. WILLIAMS, TARTAGLIONE, KEARNEY AND MUTH, FEBRUARY 27, 2019

SENIOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, MARCH 27, 2019

AN ACT

Amending the act of May 22, 1951 (P.L.317, No.69), entitled "An act relating to the practice of professional nursing; providing for the licensing of nurses and for the revocation and suspension of such licenses, subject to appeal, and for their reinstatement; providing for the renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws," further providing for title, for definitions, for State Board of Nursing, for dietitian-nutritionist license required, for unauthorized practices and acts not prohibited, for temporary practice permit, for graduates of schools of other states, territories or Dominion of Canada, for persons entitled to practice, for certified registered nurse practitioners and qualifications, for scope of practice for certified registered nurse practitioners, for prescriptive authority for certified registered nurse practitioners, for Drug Review Committee, for professional liability, for reporting of multiple licensure, for continuing nursing education, for punishment for violations, for refusal, suspension or revocation of license, for reinstatement of license and for injunction or other process; and providing for the expiration of the State Board of Nursing's power to license certified registered nurse practitioners.

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

Section 1. The title of the act of May 22, 1951 (P.L.317,
No.69), known as The Professional Nursing Law, is amended to read:

AN ACT

Relating to the practice of professional nursing and the practice of advanced practice registered nursing; providing for the licensing of nurses and for the revocation and suspension of such licenses, subject to appeal, and for their reinstatement; providing for the renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws.

Section 2. Section 2(1), (10), (12), (13) and (14) of the act are amended and the section is amended by adding paragraphs 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 or advanced practice registered nurse-certified 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 an advanced practice registered nurse-certified 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.]

[(13) "Collaboration" means a process in which a certified registered nurse practitioner an advanced practice registered nurse-certified nurse practitioner works with one or more physicians to deliver health care services within the scope of the certified registered nurse practitioner's advanced practice registered nurse-certified nurse practitioner's expertise. The process includes all of the following:

(i) Immediate availability of a licensed physician to a certified registered nurse practitioner an advanced practice registered nurse-certified nurse practitioner through direct communications or by radio, telephone or telecommunications.
(ii) A predetermined plan for emergency services.
(iii) A physician available to a certified registered nurse practitioner an advanced practice registered nurse-certified nurse practitioner on a regularly scheduled basis for referrals, review of the standards of medical practice incorporating]
consultation and chart review, drug and other medical protocols within the practice setting, periodic updating in medical diagnosis and therapeutics and cosigning records when necessary to document accountability by both parties.

[(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) "Advanced practice registered nurse-certified nurse practitioner" means a registered nurse licensed in this Commonwealth to practice independently in a population focus area in which the registered nurse is certified by a board-recognized national certification program.

(17) "Population focus area" means a category of patients for which an advanced practice registered nurse-certified nurse practitioner has the educational preparation to provide care and services. The categories of population focus include:

(i) Family and individuals across the lifespan.

(ii) Adult gerontology.

(iii) Neonatal.

(iv) Pediatrics.

(v) Women's health and gender-related health.

(vi) Psychiatric and mental health.

(vii) Any other similar area designated by the board.

(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 the Commonwealth.

(21) "Licensed independent practitioner" means an advanced practice registered nurse-certified nurse practitioner licensed under section 8.1(j) or (l) to provide care and services, without direction or supervision, within the scope of the practitioner's license.

(22) "Practice of Advanced Practice Registered Nursing" means the practice of an advanced practice registered nurse-certified nurse practitioner to assess, diagnose, treat, prescribe and order, within a population focus AREA approved by the board of nursing that includes the advanced practice registered nurse-certified nurse practitioner's scope of practice. The term shall include, but not be limited to, performing acts of medical diagnosis or prescription of medical therapeutic or corrective measures.

Section 3. Sections 2.1(k) and (l), 3.1(b), 4, 4.1, 7(b), 8, 8.1, 8.2, 8.3, 8.4, 8.7, 11.1, 12.1(g)(1), 13(b), 14(a)(1), (2) and (4) and (b)(6), 15.2 and 15.4 of the act are amended to read:

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

(k) The Board shall have the right and duty to establish rules and regulations for the practice of professional nursing,
the practice of advanced practice registered nursing, the practice of dietetics-nutrition and the administration of this act. Copies of such rules and regulations shall be available for distribution to the public.

(1) 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, an advanced practice registered nurse-certified nurse practitioner, a 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. Unauthorized Practices; Acts not Prohibited.--

This act confers no authority to practice dentistry, podiatry, optometry, chiropractic, medicine or surgery, nor does it
prohibit--

(1) Home care of the sick by friends, domestic servants, nursemaids, companions, or household aides of any type, so long as such persons do not represent or hold themselves out to be licensed nurses, licensed registered nurses, or registered nurses; or use in connection with their names, any designation tending to imply that they are licensed to practice under the provisions of this act nor services rendered by any physicians, osteopaths, dentists or chiropractors, podiatrists, optometrists, or any person licensed pursuant to the act of March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse Law."

(2) Care of the sick, with or without compensation or personal profit, when done solely in connection with the practice of the religious tenets of any church by adherents thereof.

(3) The practice of professional nursing or the practice of advanced practice registered nursing by a person temporarily in this Commonwealth licensed by another state, territory or possession of the United States or a foreign country, in compliance with an engagement made outside of this Commonwealth, which engagement requires that such person accompany and care for a patient while temporarily in this Commonwealth: Provided, however, That said engagement shall not be of more than six (6) months' duration.

(4) The practice of professional nursing or the practice of advanced practice registered nursing, pursuant to a temporary practice permit, by a graduate of an approved program of professional nursing in Pennsylvania or any other state, working under qualified supervision, during the period not to exceed one
year between completion of his or her program and notification of the results of a licensing examination taken by such person, and during such additional period as the Board may in each case especially permit.

(5) The practice of professional nursing or the practice of advanced practice registered nursing, pursuant to a temporary practice permit, by a person who holds a current license or other evidence of the right to practice professional nursing as that term is defined in this act, or to practice of advanced practice registered nursing issued by any other state, territory or possession of the United States or the Dominion of Canada, during the period that an application filed by such person for licensure in Pennsylvania is pending before the Board, but not for a period of more than one (1) year and during such additional period as the Board may in each case especially permit.

(6) The practice of professional nursing, within the definition of this act or the practice of advanced practice registered nursing, by any person when such person is engaged in the practice of nursing as an employee of the United States.

Section 4.1. Temporary Practice Permit.--(a) In order for a person to practice professional nursing or to practice advanced practice registered 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 an advanced practice registered nurse-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 the 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 an advanced practice registered nurse-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 licensure requirements in accordance with the joint rules and regulations of the Boards of Nursing and Medicine Board.

* * *

Section 8. Persons Entitled to Practice.--(a) The Board shall issue to each person who meets the professional nursing licensure requirements of this act, a certificate setting forth
that such person is licensed to engage in the practice of professional nursing and entitled to use the title "registered nurse" and the letters "R.N."

(b) The Board shall issue to each person who meets the dietitian-nutritionist licensure requirements of this act a certificate setting forth that such person is licensed as a dietitian-nutritionist and entitled to use the title "licensed dietitian-nutritionist" and the letters "L.D.N." A record of all persons licensed as dietitian-nutritionists in this Commonwealth shall be kept in the office of the Board and shall be open to public inspection and copying upon payment of a nominal fee for copying the record.

(c) The Board shall issue to each person who meets the advanced practice registered nurse-certified nurse practitioner licensure requirements of this act a certificate setting forth that such person is licensed as an advanced practice registered nurse-certified nurse practitioner and entitled to use the title "advanced practice registered nurse-certified nurse practitioner" and the letters "APRN-CNP." A record of each person licensed as an advanced practice registered nurse-certified nurse practitioner in this Commonwealth shall be kept in the office of the Board and shall be open to public inspection and copying upon payment of a nominal fee for copying the record.

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.

Advanced Practice Registered Nurse-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 population focus area on the effective date of this subsection shall automatically be deemed to be licensed by the board as an advanced practice registered nurse-certified nurse practitioner in the population focus area for which the registered nurse is otherwise qualified. The board shall issue appropriate written notice of the license as an advanced practice registered nurse-certified nurse practitioner, except that the issuance of that notice shall not be a condition precedent to practice in accordance with the license.

(e) Except as provided in subsection (d), an individual shall not qualify for an initial license as an advanced practice registered nurse-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 or doctorate in nursing program.

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

(f)  (1)  An initial license under subsection (d) as an advanced practice registered nurse-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 an advanced practice registered nurse-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 (d) or section 7(b) as an advanced practice registered nurse-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 an advanced practice registered nurse-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 an advanced practice registered nurse-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 population...
focus area in which the nurse is licensed as an advanced practice registered nurse-certified nurse practitioner by the board.

(iii) In the two (2) years prior to renewal, complete at least thirty (30) hours of continuing education approved by the board. For an advanced practice registered nurse-certified nurse practitioner who is prescribing medical therapeutic or corrective measures under section 8.3, the continuing education must include at least sixteen (16) hours in pharmacology in the two-year period.

(g) The board shall establish a procedure by which a license as an advanced practice registered nurse-certified nurse practitioner may be amended prior to the biennial renewal date in order to authorize a nurse to practice in a population focus area 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 an advanced practice registered nurse-certified nurse practitioner was issued or renewed. The board shall authorize an advanced practice registered nurse-certified nurse practitioner to practice in an additional population focus area only if the nurse holds current certification from a board-recognized national certification program which requires the passing of a national certifying examination in the additional population focus area.

(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 an
advanced practice registered nurse-certified nurse practitioner in a population focus area is entitled to use the title "advanced practice registered nurse-certified nurse practitioner" and the letters "APRN-CNP." It shall be unlawful for any other person to use the title "advanced practice registered nurse-certified nurse practitioner" or the letters "APRN-CNP."

(i) (1) An advanced practice registered nurse-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 advanced practice registered nurse-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) An advanced practice registered nurse-certified nurse practitioner who has 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 in accordance with a collaborative or written agreement with a physician shall not be subject to the requirements under sections 8.2(b) and 8.3(a)(2)(i).

(k) An advanced practice registered nurse-certified nurse practitioner...
practitioner who qualifies for the exception under subsection (j) 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. The 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 an advanced practice registered nurse-certified nurse practitioner issued by the board or a temporary practice permit to practice as an advanced practice registered nurse-certified nurse practitioner under section 4.1 may qualify for the exception under subsection (j) if the advanced practice registered nurse-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 of subsection (j) which occurred in this Commonwealth or in one or more other states, territories or possessions of the United States or foreign countries where the advanced practice registered nurse-certified nurse practitioner was previously, or is currently, licensed.

(m) The advanced practice registered nurse practitioner is accountable to patients, the nursing profession and the board and shall:

(1) comply with the requirements of this chapter and the quality expectations of advanced nursing care rendered;
(2) recognize limits of knowledge and experience;
(3) plan for the management of situations beyond the
advanced practice registered nurse-certified nurse practitioner's expertise; and

(4) consult with or refer patients to other health care providers, as appropriate.

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

Notwithstanding any other provision of law, an advanced practice registered nurse-certified nurse practitioner who meets the requirements under section 8.1(j) or (l) is entitled to all of the following:

(1) To practice as a licensed independent practitioner within the scope of practice of a particular population focus area 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 certified registered] Except as provided under section 8.1(j) or (l), an advanced practice registered nurse-certified 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] an advanced practice registered nurse-certified 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 addition to existing authority, [a certified registered nurse] an advanced practice registered nurse-certified nurse practitioner shall have authority to do all of the following, provided that the [certified nurse practitioner] advanced practice registered nurse-certified nurse practitioner is acting within the scope of the [certified registered nurse] advanced practice registered nurse-certified nurse practitioner's collaborative or written agreement with a physician and the [certified registered nurse] advanced practice registered nurse-certified nurse practitioner's [specialty certification] population focus area:

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," 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 advanced practice registered nurse-certified nurse practitioners when practicing as licensed independent practitioners.

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

Section 8.3. Prescriptive Authority for [Certified Registered] Advanced Practice Registered Nurse-Certified Nurse Practitioners.--(a) [A certified registered] An advanced practice registered nurse-certified 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) is an advanced practice registered nurse-certified
nurse practitioner that qualifies for the exception from
section 8.1(j) or (l) and is practicing within a population
focus area in which the nurse is certified by a board-recognized
national certification program; and
(3) is acting in accordance with regulations promulgated by
the board.

(b) [A certified registered] An advanced practice registered
nurse-certified 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 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 certified
registered) (a) An advanced practice registered nurse-certified
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) An advanced practice registered nurse-certified nurse
practitioner who qualifies for the exception under section
8.1(j) or (l) and operates without collaboration shall satisfy
the liability coverage requirement under subsection (a) by
maintaining an individual policy in the advanced practice
registered nurse-certified nurse practitioner's own name.

Section 11.1. Reporting of Multiple Licensure.--Any licensed
professional nurse or dietitian-nutritionist of this
Commonwealth who is also licensed to practice nursing, advanced
practice registered nursing or dietetics-nutrition in any other
state, territory, possession or country shall report this
information to the Board on the biennial registration
application. Any disciplinary action taken in other states shall
be reported to the Board on the biennial registration
application or within ninety (90) days of final disposition,
whichever is sooner. Multiple licensure shall be noted by the
Board on the licensee's record, and such state, territory,
possession or country shall be notified by the Board of any
disciplinary actions taken against said licensee in this
Commonwealth.

Section 12.1. Continuing Nursing Education.--* * *

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(g) In lieu of meeting the requirements of this section:

1. [Certified registered] Advanced practice registered nurse-certified nurse practitioners and dietetics-nutrition licensees shall fulfill the requirements for continuing education in accordance with sections 8.1 and 11, respectively.

* * *

Section 13. Punishment for Violations.--* * *

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the Board, by a vote of the majority of the maximum number of the authorized membership of the Board as provided by law or by a vote of the majority of the duly qualified and confirmed membership or a minimum of five (5) members, whichever is greater, may levy a civil penalty of up to one thousand dollars ($1,000) on any current licensee who violates any provision of this act or on any person who practices nursing, practices advanced practice registered nursing or holds himself or herself forth as a licensed dietitian-nutritionist without being properly licensed to do so under this act or on the responsible officers or employes of any corporation, copartnership, institution or association violating any of the provisions of this act. The Board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 14. Refusal, Suspension or Revocation of Licenses.--

(a) The Board may refuse, suspend or revoke any license in any case where the Board shall find that--

1. The licensee is on repeated occasions negligent or
incompetent in the practice of professional nursing, advanced practice registered nursing or dietetics-nutrition.

(2) The licensee is unable to practice professional nursing or the practice of advanced practice registered nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue. In enforcing this clause (2), the Board shall, upon probable cause, have authority to compel a licensee to submit to a mental or physical examination as designated by it. After notice, hearing, adjudication and appeal as provided for in section 15, failure of a licensee to submit to such examination when directed shall constitute an admission of the allegations against him or her unless failure is due to circumstances beyond his or her control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume a competent practice of professional nursing or the practice of advanced practice registered nursing with reasonable skill and safety to patients.

* * *

(4) The licensee has committed fraud or deceit in:

(i) the practice of nursing, the practice of advanced practice registered nursing or in securing his or her admission to such practice or nursing school; or

(ii) the practice of dietetics-nutrition or in securing his or her license as a dietitian-nutritionist.
(b) When the Board finds that the license of any nurse or dietitian-nutritionist may be refused, revoked or suspended under the terms of subsection (a), the Board may:

(6) Restore or reissue, in its discretion, a suspended license to practice professional or practical nursing, advanced practice registered nursing or dietetics-nutrition and impose any disciplinary or corrective measure which it might originally have imposed.

Section 15.2. Reinstatement of License.—Unless ordered to do so by Commonwealth Court or an appeal therefrom, the Board shall not reinstate the license of a person to practice nursing, advanced practice registered nursing or dietetics-nutrition which has been revoked. Any person whose license has been revoked may reapply for a license, after a period of at least five (5) years, but must meet all of the licensing qualifications of this act for the license applied for, to include the examination requirement, if he or she desires to practice at any time after such revocation.

Section 15.4. Injunction or Other Process.—It shall be unlawful for any person to practice or attempt to offer to practice nursing, practice advanced practice registered nursing or hold himself or herself forth as a licensed dietitian-nutritionist[, as defined in this act,] or an advanced practice registered nurse-certified nurse practitioner without having at the time of so doing a valid, unexpired, unrevoked and unsuspended license issued under this act. The unlawful practice of nursing [as defined in this act] or the unlawful practice of advanced practice registered nursing may be enjoined by the
courts on petition of the Board or the Commissioner of Professional and Occupational Affairs. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If it is determined that the respondent has engaged in the unlawful practice of nursing or the unlawful practice of advanced practice registered nursing, the court shall enjoin him or her from so practicing unless and until he or she has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit. The remedy by injunction hereby given is in addition to any other civil or criminal prosecution and punishment.

Section 4. The authority of the State Board of Nursing to certify a licensed registered nurse as an advanced practice registered nurse-certified nurse practitioner shall expire on the effective date of this section.

Section 5. 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 regulations necessary to carry out the provisions of this act. The promulgation of the regulations shall not be a condition precedent to the applicability of this act.

Section 6. This act shall take effect in 60 days.