

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1208 Session of  
2001

INTRODUCED BY EARLL, KUKOVICH, MUSTO, PICCOLA, M. WHITE,  
LAVALLE, COSTA, MADIGAN, MOWERY, THOMPSON, KITCHEN, LEMMOND,  
PUNT, SCHWARTZ, ARMSTRONG, WAUGH, SCARNATI, BOSCOLA, WOZNIAK,  
GREENLEAF, HUGHES, CORMAN, TOMLINSON, HELFRICK AND ROBBINS,  
NOVEMBER 14, 2001

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
NOVEMBER 14, 2001

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 defining "practice of professional nursing"; further  
9 providing for the duties of the State Board of Nursing; and  
10 making a repeal.

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

13 Section 1. The definition of "practice of professional  
14 nursing" in section 2 of the act of May 22, 1951 (P.L.317,  
15 No.69), known as The Professional Nursing Law, amended December  
16 20, 1985 (P.L.409, No.109), is amended to read:

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

20 (1) The "Practice of Professional Nursing" means diagnosing

1 and treating human responses to actual or potential health  
2 problems through such services as casefinding, health teaching,  
3 health counseling, and provision of care supportive to or  
4 restorative of life and well-being, and executing medical  
5 regimens as prescribed by a licensed physician or dentist. The  
6 foregoing shall not be deemed to include acts of medical  
7 diagnosis or prescription of medical therapeutic or corrective  
8 measures, except as may be authorized by rules and regulations  
9 [jointly] promulgated by [the State Board of Medicine and] the  
10 Board, which rules and regulations shall be implemented by the  
11 Board.

12 (2) "Board" means the State Board of Nursing.

13 (3) "Approved" means approved by the State Board of Nursing.

14 (4) "Diagnosing" means that identification of and  
15 discrimination between physical and psychosocial signs and  
16 symptoms essential to effective execution and management of the  
17 nursing regimen.

18 (5) "Treating" means selection and performance of those  
19 therapeutic measures essential to the effective execution and  
20 management of the nursing regimen, and execution of the  
21 prescribed medical regimen.

22 (6) "Human responses" means those signs, symptoms and  
23 processes which denote the individual's interaction with an  
24 actual or potential health problem.

25 Section 2. Section 2.1 of the act is amended by adding a  
26 subsection to read:

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

28 (1) Any powers and duties imposed on the State Board of  
29 Medicine, or jointly imposed on the State Board of Medicine and  
30 the State Board of Nursing, by or pursuant to law or regulation

1 shall, after the effective date of this subsection, be exercised  
2 solely by the State Board of Nursing. This subsection shall not  
3 apply to 49 Pa. Code §§ 21.283(4) (relating to prescribing and  
4 dispensing drugs) and 21.321 (relating to performance of tasks  
5 without direction; performance of tasks without training; other)  
6 unless the State Board of Nursing promulgates a regulation to  
7 exercise the duties imposed on the State Board of Medicine by  
8 those sections.

9       Section 3.   Section 15 of the act of December 20, 1985  
10   (P.L.457, No.112), known as the Medical Practice Act of 1985, is  
11   repealed.

12       Section 4.   The regulations set forth in 49 Pa. Code Ch. 18  
13   Subch. C are abrogated to the extent they are inconsistent with  
14   this act.

15       Section 5.   (a)   All references in 49 Pa. Code Ch. 21 Subch.  
16   C to the State Board of Medicine shall be deemed to refer to the  
17   State Board of Nursing.

18       (b)   Notwithstanding paragraph (1), the reference in 49 Pa.  
19   Code §§ 21.283(4) and 21.321 to the State Board of Medicine  
20   shall remain in effect unless amended by a regulation  
21   promulgated by the State Board of Nursing.

22       (c)   The State Board of Nursing shall promulgate regulations  
23   amending Subchapter C of Chapter 21 of 49 Pa.Code to be  
24   consistent with this act.

25       Section 6.   (a)   Nothing in this act shall be construed to  
26   prohibit the continued practice of certified registered nurse  
27   practitioners who were authorized to practice in this  
28   Commonwealth on the effective date of this act.

29       (b)   Nothing in this act shall be construed to invalidate any  
30   certification, approval, designation, health care facility

1 policy, collaborative agreement, authorization to prescribe and  
2 dispense therapeutic drugs or waiver of physician supervision  
3 requirement in effect on the effective date of this act.

4 Section 7. This act shall take effect in 60 days.