
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 47

Session of
2005

INTRODUCED BY THOMAS, DENLINGER, LEDERER, YOUNGBLOOD, CRUZ,
DALEY, HARPER, JOSEPHS, KIRKLAND, WASHINGTON, WATERS, PRESTON
AND CALTAGIRONE, JANUARY 25, 2005

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
JANUARY 25, 2005

AN ACT

1 Amending the act of March 2, 1956 (1955 P.L.1211, No.376),
2 entitled "An act providing for and regulating the licensing
3 and practice of practical nursing; imposing duties on the
4 State Board of Nurse Examiners; and imposing penalties,"
5 further providing for examination of applicants and issuance
6 of licenses and for fee and qualifications of applications.

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

9 Section 1. Sections 4 and 5 of the act of March 2, 1956
10 (1955 P.L.1211, No.376), known as the Practical Nurse Law,
11 amended December 20, 1985 (P.L.423, No.110), are amended to
12 read:

13 Section 4. Examination of Applicants; Issuance of
14 Licenses.--The board shall twice each year and at such other
15 times and under such conditions as shall be provided by its
16 regulations examine all applicants eligible for examination to
17 determine whether they are qualified to be licensed, and shall
18 authorize the issue to each person passing said examination to
19 the satisfaction of the board a proper certificate setting forth

1 that such person has been licensed to practice as a licensed
2 practical nurse. The examination shall be conducted in English
3 and Spanish.

4 Section 5. Fee; Qualifications of Applications.--No
5 application for licensure as a licensed practical nurse shall be
6 considered unless accompanied by a fee determined by the board
7 by regulation. Every applicant for examination as a licensed
8 practical nurse shall furnish evidence satisfactory to the board
9 that he or she is eighteen years of age or over, is a citizen of
10 the United States or has legally declared intention to become
11 such, is of good moral character, has completed at least twelve
12 years of education with diploma in public, parochial or private
13 school, or its equivalent as evaluated by the Department of
14 Education; and has satisfactorily completed a program in
15 practical nursing prescribed and approved by the board in a
16 school, hospital or other educational institution, of not less
17 than fifteen hundred hours and within a period of not less than
18 twelve months, or has completed a program considered by the
19 board to be equal to that required in this Commonwealth at the
20 time such program was completed. No examination shall be
21 required for applicants who have completed a program in
22 practical nursing in Puerto Rico that entitles such persons to
23 be licensed as a practical nurse in Puerto Rico. The board shall
24 not issue a license or certificate to an applicant who has been
25 convicted of a felonious act prohibited by the act of April 14,
26 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug,
27 Device and Cosmetic Act," or convicted of a felony relating to a
28 controlled substance in a court of law of the United States or
29 any other state, territory or country unless:

30 (1) at least ten (10) years have elapsed from the date of

1 conviction;

2 (2) the applicant satisfactorily demonstrates to the board
3 that he has made significant progress in personal rehabilitation
4 since the conviction such that licensure of the applicant should
5 not be expected to create a substantial risk of harm to the
6 health and safety of patients or the public or a substantial
7 risk of further criminal violations; and

8 (3) the applicant otherwise satisfies the qualifications
9 contained in or authorized by this act.

10 As used in this section the term "convicted" shall include a
11 judgment, an admission of guilt or a plea of nolo contendere. An
12 applicant's statement on the application declaring the absence
13 of a conviction shall be deemed satisfactory evidence of the
14 absence of a conviction, unless the board has some evidence to
15 the contrary.

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