
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1328 Session of
2005

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CRAHALLA AND THOMAS, APRIL 11, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
APRIL 11, 2005

AN ACT

1 Requiring the reporting of nursing misconduct to the Department
2 of State; and providing for the establishment of a nursing
3 databank and for access to the databank by health care
4 facilities.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Nursing
9 Misconduct Reporting and Databank Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Databank." The Nursing Misconduct Databank established
15 under section 6 (relating to Nursing Misconduct Databank).

16 "Department." The Department of State of the Commonwealth.

17 "Health care facility." A facility that provides health care

1 services to residents of this Commonwealth.

2 "Nurse." A registered nurse or licensed practical nurse
3 licensed under the laws of this Commonwealth or a nurse aide.

4 "Nurse aide." An individual who is trained to function in an
5 assistive role to a registered nurse or licensed practical nurse
6 in the provision of patient care activities delegated by and
7 under the supervision of the registered nurse or licensed
8 practical nurse. The term includes unlicensed assistive
9 personnel.

10 Section 3. Duty to report nurse misconduct.

11 (a) General rule.--A health care facility shall file a
12 report to the department at such time and in such manner as
13 prescribed by the department when a nurse employed by the health
14 care facility is disciplined or dismissed from that employment
15 for endangering the health, welfare or safety of a patient of
16 the health care facility.

17 (b) Contents of report.--The report to be filed under
18 subsection (a) shall include:

19 (1) The name and home address of the nurse.

20 (2) The name and address of the health care facility.

21 (3) A brief explanation of the basis upon which the
22 discipline or dismissal was taken against the nurse.

23 (4) Such other information as required by the
24 department.

25 (c) Confidentiality.--The department shall maintain the
26 confidentiality of information, if any, submitted in the report
27 required by this section that may identify a patient.

28 Section 4. Notice to nurse.

29 The department shall provide a copy of the report to the
30 nurse named in a report filed under section 3 (relating to duty

1 to report nurse misconduct) and notify the nurse that:

2 (1) Information from the report will be incorporated
3 into the databank.

4 (2) The nurse has the right to submit an answer to the
5 report and to deny any of the information in the report.

6 (3) The information in the databank will indicate
7 whether an answer to the report has been filed and will be
8 made available to health care facilities on request.

9 Section 5. Right to file answer.

10 (a) General rule.--A nurse who is the subject of a report
11 filed under section 3 (relating to duty to report nurse
12 misconduct) shall have the right to file an answer to the report
13 within 60 days of receiving notice of the report under section 4
14 (relating to notice to nurse). The answer may deny any of the
15 information contained in the report.

16 (b) Inclusion in databank.--If the nurse files a timely
17 answer, the department shall include information in the databank
18 that an answer was filed and what information the nurse denied.

19 Section 6. Nursing Misconduct Databank.

20 (a) Establishment.--The department shall establish and
21 maintain the Nursing Misconduct Databank. The databank shall
22 consist of information obtained from reports and answers filed
23 under sections 3 (relating to duty to report nurse misconduct)
24 and 5 (relating to right to file answer).

25 (b) Access.--The department shall provide health care
26 facilities with access to the databank for the purpose of
27 identifying nurses on whom reports have been filed under this
28 act.

29 (c) Fee.--The department may charge a fee to health care
30 facilities for access to the databank. The fee shall be

1 established by regulation.

2 Section 7. Failure to comply.

3 A health care facility that fails to comply with the
4 provisions of this act commits a summary offense.

5 Section 8. Civil immunity.

6 A health care facility that in good faith files a report
7 under this act shall not be liable to the nurse identified in
8 the report for release of the information in that report to
9 other health care facilities.

10 Section 9. Rules and regulations.

11 The department shall promulgate such rules and regulations as
12 necessary to administer the provisions of this act.

13 Section 10. Effective date.

14 This act shall take effect in 60 days.