

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1253 Session of
2007

INTRODUCED BY SOLOBAY, SEIP, BELFANTI, CAPPELLI, CREIGHTON,
DALEY, EACHUS, FREEMAN, GEIST, GRUCELA, JOSEPHS, KIRKLAND,
MURT, PETRONE, SAYLOR, SIPTROTH, KULA, EVERETT, GIBBONS,
KORTZ, PALLONE, JAMES, THOMAS AND CALTAGIRONE, MAY 10, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 21, 2007

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 scope of practice for certified registered
9 nurse practitioners; and providing for professional
10 liability.

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

13 Section 1. Section 8.2 of the act of May 22, 1951 (P.L.317,
14 No.69), known as The Professional Nursing Law, added December 9,
15 2002 (P.L.1567, No.206), is amended to read:

16 Section 8.2. Scope of Practice for Certified Registered
17 Nurse Practitioners.--(a) A certified registered nurse
18 practitioner while functioning in the expanded role as a
19 professional nurse shall practice within the scope of practice
20 of the particular clinical specialty area in which the nurse is

certified by the board.

(b) 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) [A] 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 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 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) Order respiratory or occupational therapy.

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

(7) Issue home bound schooling certifications.

(8) Perform and sign initial assessment of methadone treatment evaluations, provided that any 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

1 the Department of Public Welfare to regulate the types of health
2 care professionals who are eligible for medical staff membership
3 or clinical privileges.

4 (2) Restrict the authority of a health care facility to
5 determine the scope of practice and supervision or other
6 oversight requirements for health care professionals practicing
7 within the facility.

8 (d) Nothing in this section shall be construed to limit or
9 prohibit a certified registered nurse practitioner from engaging
10 in those activities which normally constitute the practice of
11 nursing as defined in section 2.

12 Section 2. The act is amended by adding a section to read:

13 Section 8.5. Professional Liability.--A certified registered
14 nurse practitioner practicing in this Commonwealth shall
15 maintain a level of professional liability coverage as required
16 for a nonparticipating health care provider under the act of
17 March 20, 2002 (P.L.154, No.13), known as the "Medical Care
18 Availability and Reduction of Error (Mcare) Act," but shall not
19 be eligible to participate in the Medical Care Availability and
20 Reduction of Error (Mcare) Fund.

21 Section 3. The State Board of Nursing, THE DEPARTMENT OF
22 PUBLIC WELFARE, THE STATE BOARD OF MEDICINE and the Department
23 of Health shall promulgate regulations to implement the
24 amendment or addition of sections 8.2 and 8.5 of the act within
25 18 months of the effective date of this section.

26 SECTION 4. THE FOLLOWING ACTS ARE REPEALED INSOFAR AS THEY
27 ARE INCONSISTENT WITH THE AMENDMENT OF SECTION 8.2 OF THE ACT
28 AND THE ADDITION OF SECTION 8.5 OF THE ACT:

29 (1) SECTION 3.1 OF THE ACT.

30 (2) SECTION 9 OF THE ACT OF OCTOBER 10, 1975 (P.L.383,

1 NO.110), KNOWN AS THE PHYSICAL THERAPY PRACTICE ACT.

2 (3) SECTION 14 OF THE ACT OF JUNE 15, 1982 (P.L.502,
3 NO.140), KNOWN AS THE OCCUPATIONAL THERAPY PRACTICE ACT.

4 (4) SECTION 13.1(D) OF THE ACT OF DECEMBER 20, 1985
5 (P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF 1985.

6 Section 4 5. This act shall take effect in 60 days.

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