

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 479 Session of 2015

INTRODUCED BY FABRIZIO, McNEILL, KINSEY, THOMAS, O'BRIEN, JAMES, HARKINS, SCHLOSSBERG, GERGELY, FREEMAN, COHEN, FRANKEL, HENNESSEY, D. COSTA, V. BROWN, BARRAR, PASHINSKI, MURT AND MAHONEY, FEBRUARY 17, 2015

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 17, 2015

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," providing  
8 for delegation of functions necessary for the support of  
9 nursing services.

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

12 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,  
13 No.69), known as The Professional Nursing Law, is amended by  
14 adding a definition to read:

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

18 \* \* \*

19 (16) "Delegate" or "delegation" means the transfer of  
20 responsibility for the performance of a task from the

professional nurse to another individual who may or may not be a health care provider, licensed or unlicensed, while retaining accountability for the outcome.

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

Section 4.2. Delegation of Functions.--(a) A registered nurse may delegate if all of the following conditions are met:

(1) The delegation is consistent with the scope and standards of acceptable nursing practice as defined by license or certificate or otherwise authorized by law.

(2) The delegation is not prohibited by statute or regulation, including regulations promulgated by the board.

(3) The registered nurse has knowledge that the delegate has the requisite education, training, experience and continued competency to safely perform the delegated task.

(4) The registered nurse has determined that the delegation does not create an undue risk to the patient.

(b) A registered nurse shall be responsible for the delegated nursing function in accordance with subsection (a). A registered nurse's responsibility for the delegated nursing function is not limited by any provisions of this section.

(c) A registered nurse may not delegate a task that:

(1) requires knowledge and skill not ordinarily possessed by a nonregistered nurse; or

(2) the registered nurse is not educated, trained and competent to perform.

(d) Nothing in this section may be construed as limiting the authority of a physician to delegate as contained within the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

(e) Within 180 days of the effective date of this section,

1 the board shall promulgate regulations that establish criteria  
2 pursuant to which a registered nurse may delegate the  
3 performance of nursing functions.

4       Section 3. This act shall take effect in 60 days.