

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 25 Session of 2023

INTRODUCED BY BARTOLOTTA, BOSCOLA, LAUGHLIN, FLYNN, LANGERHOLC, SCHWANK, COLLETT, KANE, STEFANO, TARTAGLIONE, COSTA, CAPPELLETTI, HUTCHINSON, J. WARD, COMMITTA, DiSANTO, HAYWOOD, ROTHMAN, BAKER, YAW, ARGALL AND KEARNEY, MARCH 3, 2023

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, MARCH 3, 2023

AN ACT

1 Amending the act of May 22, 1951 (P.L.317, No.69), entitled "An
 2 act relating to the practice of professional nursing;
 3 providing for the licensing of nurses and for the revocation
 4 and suspension of such licenses, subject to appeal, and for
 5 their reinstatement; providing for the renewal of such
 6 licenses; regulating nursing in general; prescribing
 7 penalties and repealing certain laws," further providing for
 8 title, for definitions, for State Board of Nursing, for
 9 dietitian-nutritionist license required, for unauthorized
 10 practices and acts not prohibited, for temporary practice
 11 permit, for graduates of schools of other states, territories
 12 or Dominion of Canada, for persons entitled to practice, for
 13 certified registered nurse practitioners and qualifications,
 14 for scope of practice for certified registered nurse
 15 practitioners, for prescriptive authority for certified
 16 registered nurse practitioners, for Drug Review Committee,
 17 for professional liability, for reporting of multiple
 18 licensure, for continuing nursing education, for punishment
 19 for violations, for refusal, suspension or revocation of
 20 licenses, for reinstatement of license and for injunction or
 21 other process; and providing for the expiration of the State
 22 Board of Nursing's power to license certified registered
 23 nurse practitioners.

24 The General Assembly of the Commonwealth of Pennsylvania
 25 hereby enacts as follows:

26 Section 1. The title of the act of May 22, 1951 (P.L.317,
 27 No.69), known as The Professional Nursing Law, is amended to

1 read:

2 AN ACT

3 Relating to the practice of professional nursing and the
4 practice of advanced practice registered nursing; providing
5 for the licensing of nurses and for the revocation and
6 suspension of such licenses, subject to appeal, and for their
7 reinstatement; providing for the renewal of such licenses;
8 regulating nursing in general; prescribing penalties and
9 repealing certain laws.

10 Section 2. Section 2(1), (10), (12), (13) and (14) of the
11 act are amended and the section is amended by adding paragraphs
12 to read:

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

16 (1) The "Practice of Professional Nursing" means diagnosing
17 and treating human responses to actual or potential health
18 problems through such services as casefinding, health teaching,
19 health counseling, and provision of care supportive to or
20 restorative of life and well-being, and executing medical
21 regimens as prescribed by a licensed physician or dentist. The
22 foregoing shall not be deemed to include acts of medical
23 diagnosis or prescription of medical therapeutic or corrective
24 measures, except as performed by [a certified registered nurse
25 practitioner] an APRN-CNP acting in accordance with rules and
26 regulations promulgated by the Board.

27 * * *

28 (10) "Medical nutrition therapy" means the component of
29 nutrition therapy that concerns determining and recommending
30 nutrient needs based on nutritional assessment and medical

1 problems relative to diets prescribed by a licensed physician or
2 an APRN-CNP, including:

- 3 (i) tube feedings;
- 4 (ii) specialized intravenous solutions;
- 5 (iii) specialized oral solutions; and
- 6 (iv) interactions of prescription drugs with food or
7 nutrients.

8 * * *

9 [(12) "Certified registered nurse practitioner" means a
10 registered nurse licensed in this Commonwealth who is certified
11 by the board in a particular clinical specialty area.]

12 (13) "Collaboration" means a process in which [a certified
13 registered nurse practitioner] an APRN-CNP works with one or
14 more physicians to deliver health care services within the scope
15 of [the certified registered nurse practitioner's] an APRN-CNP's
16 expertise. The process includes all of the following:

17 (i) Immediate availability of a licensed physician to [a
18 certified registered nurse practitioner] an APRN-CNP through
19 direct communications or by radio, telephone or
20 telecommunications.

21 (ii) A predetermined plan for emergency services.

22 (iii) A physician available to [a certified registered nurse
23 practitioner] an APRN-CNP on a regularly scheduled basis for
24 referrals, review of the standards of medical practice
25 incorporating consultation and chart review, drug and other
26 medical protocols within the practice setting, periodic updating
27 in medical diagnosis and therapeutics and cosigning records when
28 necessary to document accountability by both parties.

29 (iv) In the case of an APRN-CNP practicing under section
30 8.2(c.1), a written collaborative agreement with a physician.

1 [(14) "Drug Review Committee" means the committee
2 established in section 8.4 whose function is to approve or
3 disapprove, by addition or deletion, the categories of drugs
4 that may be prescribed by certified registered nurse
5 practitioners.]

6 * * *

7 (18) "Advanced practice registered nurse-certified nurse
8 practitioner" means a registered nurse licensed in this
9 Commonwealth to practice independently in a population focus
10 area in which the registered nurse is certified by a Board-
11 recognized national certification program.

12 (19) "APRN-CNP" means an advanced practice registered nurse-
13 certified nurse practitioner.

14 (20) "Population focus area" means a category of patients
15 for which an APRN-CNP has the educational preparation to provide
16 care and services. The categories of population focus include:

17 (i) Family and individuals across the lifespan.

18 (ii) Adult Gerontology.

19 (iii) Neonatal.

20 (iv) Pediatrics.

21 (v) Women's health and gender-related health.

22 (vi) Psychiatric and mental health.

23 (21) "Controlled substance" means a drug designated as a
24 controlled substance under the act of April 14, 1972 (P.L.233,
25 No.64), known as "The Controlled Substance, Drug, Device and
26 Cosmetic Act."

27 (22) "Nonproprietary drug" means a drug containing a
28 quantity of a controlled substance or a drug which is required
29 by an applicable Federal or State law to be dispensed only by
30 prescription.

1 (23) "Proprietary drug" means a nonprescription, non-
2 narcotic medicine or drug which may be sold without a
3 prescription and which is prepackaged for use by the consumer
4 and labeled in accordance with the requirements of the statutes
5 and regulations of the Federal Government and the Commonwealth.

6 (24) "Licensed independent practitioner" means an APRN-CNP
7 licensed under section 8.1(j) or (l) to provide care and
8 services, without direction or supervision, within the scope of
9 the practitioner's license.

10 (25) "Practice of Advanced Practice Registered Nursing"
11 means the practice of an APRN-CNP to assess, diagnose, treat,
12 prescribe and order, within a population focus approved by the
13 Board of nursing that includes the APRN-CNP's scope of practice.
14 The term shall include, but not be limited to, performing acts
15 of medical diagnosis or prescription of medical therapeutic or
16 corrective measures.

17 Section 3. Sections 2.1(k) and (l), 3.1(b), 4, 4.1, 7(b), 8,
18 8.1, 8.2, 8.3, 8.4, 8.7, 11.1, 12.1(g) (1), 13(b), 14(a) (1), (2)
19 and (4) and (b) (6), 15.2 and 15.4 of the act are amended to
20 read:

21 Section 2.1. State Board of Nursing.--* * *

22 (k) The Board shall have the right and duty to establish
23 rules and regulations for the practice of professional nursing,
24 the practice of advanced practice registered nursing, the
25 practice of dietetics-nutrition and the administration of this
26 act. Copies of such rules and regulations shall be available for
27 distribution to the public.

28 (l) 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, with respect to [**certified**

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

10 Section 3.1. Dietitian-Nutritionist License Required.--* * *

11 (b) Nothing in this section shall be construed to require or
12 preclude third-party insurance reimbursement. Nothing herein
13 shall preclude an insurer or other third-party payor from
14 requiring that a licensed dietitian-nutritionist obtain a
15 referral from a licensed physician, an APRN-CNP, a dentist or
16 podiatrist or that a licensed dietitian-nutritionist file an
17 evaluation and treatment plan with the insurer or third-party
18 payor as a precondition of reimbursement.

19 Section 4. Unauthorized Practices; Acts not Prohibited.--

20 This act confers no authority to practice dentistry, podiatry,
21 optometry, chiropractic, medicine or surgery, nor does it
22 prohibit--

23 (1) Home care of the sick by friends, domestic servants,
24 nursemaids, companions, or household aides of any type, so long
25 as such persons do not represent or hold themselves out to be
26 licensed nurses, licensed registered nurses, or registered
27 nurses; or use in connection with their names, any designation
28 tending to imply that they are licensed to practice under the
29 provisions of this act nor services rendered by any physicians,
30 osteopaths, dentists or chiropractors, podiatrists,

1 optometrists, or any person licensed pursuant to the act of
2 March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse
3 Law."

4 (2) Care of the sick, with or without compensation or
5 personal profit, when done solely in connection with the
6 practice of the religious tenets of any church by adherents
7 thereof.

8 (3) The practice of professional nursing or the practice of
9 advanced practice registered nursing by a person temporarily in
10 this Commonwealth licensed by another state, territory or
11 possession of the United States or a foreign country, in
12 compliance with an engagement made outside of this Commonwealth,
13 which engagement requires that such person accompany and care
14 for a patient while temporarily in this Commonwealth: Provided,
15 however, That said engagement shall not be of more than six (6)
16 months' duration.

17 (4) The practice of professional nursing or the practice of
18 advanced practice registered nursing, pursuant to a temporary
19 practice permit, by a graduate of an approved program of
20 professional nursing in Pennsylvania or any other state, working
21 under qualified supervision, during the period not to exceed one
22 (1) year between completion of his or her program and
23 notification of the results of a licensing examination taken by
24 such person, and during such additional period as the Board may
25 in each case especially permit.

26 (5) The practice of professional nursing or the practice of
27 advanced practice registered nursing, pursuant to a temporary
28 practice permit, by a person who holds a current license or
29 other evidence of the right to practice professional nursing, as
30 that term is defined in this act, issued by any other state,

1 territory or possession of the United States or the Dominion of
2 Canada, during the period that an application filed by such
3 person for licensure in Pennsylvania is pending before the
4 Board, but not for a period of more than one (1) year and during
5 such additional period as the Board may in each case especially
6 permit.

7 (6) The practice of professional nursing[, within the
8 definition of this act,] or the practice of advanced practice
9 registered nursing by any person when such person is engaged in
10 the practice [of nursing] as an employee of the United States.

11 Section 4.1. Temporary Practice Permit.--(a) In order for a
12 person to practice professional nursing or to practice advanced
13 practice registered nursing during the one (1) year period from
14 completion of his or her education program or the one (1) year
15 period from the application for licensure by a person who holds
16 a current license issued by any other state, territory or
17 possession of the United States or the Dominion of Canada, the
18 Board may issue a temporary practice permit which is
19 nonrenewable and valid for a period of one (1) year and during
20 such additional period as the Board may in each case especially
21 permit, except that the temporary practice permit shall expire
22 if such person fails the licensing examination.

23 (b) Within ninety (90) days of the date a temporary practice
24 permit to practice as an APRN-CNP is issued by the Board to an
25 individual who was licensed or certified by another state,
26 territory or possession of the United States or a foreign
27 country, the individual shall comply with the requirements under
28 sections 8.2 and 8.3 with regard to acting in collaboration with
29 a physician and in accordance with a collaborative or written
30 agreement with a physician, unless the individual qualifies for

1 the exception from the collaboration requirement according to
2 the Board under section 8.1(1).

3 Section 7. Graduates of Schools of Other States, Territories
4 or Dominion of Canada.--* * *

5 (b) The Board may issue a [certification to registered nurse
6 practitioners who have] license as an APRN-CNP to a registered
7 nurse who has completed a course of study considered by the
8 Board to be equivalent to that required in this State at the
9 time such course was completed or who is licensed or certified
10 by another state, territory or possession of the United States
11 or a foreign country as deemed equivalent to Pennsylvania's
12 [certification] licensure requirements in accordance with the
13 [joint] rules and regulations of the [Boards of Nursing and
14 Medicine] Board.

15 * * *

16 Section 8. Persons Entitled to Practice.--(a) The Board
17 shall issue to each person who meets the professional nursing
18 licensure requirements of this act, a certificate setting forth
19 that such person is licensed to engage in the practice of
20 professional nursing and entitled to use the title "registered
21 nurse" and the letters "R.N."

22 (b) The Board shall issue to each person who meets the
23 dietitian-nutritionist licensure requirements of this act a
24 certificate setting forth that such person is licensed as a
25 dietitian-nutritionist and entitled to use the title "licensed
26 dietitian-nutritionist" and the letters "L.D.N." A record of
27 [all persons] each person licensed as [dietitian-nutritionists]
28 a dietitian-nutritionist in this Commonwealth shall be kept in
29 the office of the Board and shall be open to public inspection
30 and copying upon payment of a nominal fee for copying the

1 record.

2 (c) The Board shall issue to each person who meets the APRN-
3 CNP licensure requirements of this act a certificate stating
4 that such person is licensed as an APRN-CNP and entitled to use
5 the title "advanced practice registered nurse-certified nurse
6 practitioner" and the letters "APRN-CNP." A record of each
7 person licensed as an APRN-CNP in this Commonwealth shall be
8 kept in the office of the Board and posted on the Board's
9 publicly accessible Internet website.

10 Section 8.1. Certified Registered Nurse Practitioners;

11 Qualifications.--[(a) The board may certify a licensed
12 registered nurse as a certified registered nurse practitioner in
13 a particular clinical specialty area if the nurse satisfies the
14 requirements established by this act and regulations promulgated
15 by the board. Certification of a nurse by the board shall expire
16 on the same date as the license of that nurse expires.]

17 (b) (1) Beginning on the effective date of this section, a
18 nurse shall not qualify for initial certification by the board
19 under subsection (a) unless the nurse:

20 (i) is a graduate of an accredited, board-approved master's
21 or post-master's nurse practitioner program; and

22 (ii) holds certification as a certified registered nurse
23 practitioner from a board-recognized national certification
24 organization which required passing of a national certifying
25 examination in the particular clinical specialty area in which
26 the nurse is seeking certification by the board.

27 (2) This subsection shall not apply to a nurse who:

28 (i) holds certification from the board as a certified
29 registered nurse practitioner on the effective date of this
30 subsection; or

1 (ii) would otherwise qualify for certification as a
2 certified registered nurse practitioner under section 7(b).

3 (3) In order to provide a transition period for persons who
4 completed or were enrolled in an approved educational program on
5 the effective date of this section and to permit those persons
6 to apply for certification under the rules in existence
7 immediately prior to the effective date of this section, the
8 board shall issue initial certification to any person who,
9 within two (2) years of the effective date of this section:

10 (i) submits evidence of having completed or been enrolled in
11 an approved educational program on the effective date of this
12 section; and

13 (ii) fulfills all administrative requirements of the board
14 and possesses all of the other qualifications for certification
15 in effect immediately prior to the effective date of this
16 section.

17 (c) As a condition for biennial renewal of certification by
18 the board, a certified registered nurse practitioner must, in
19 the two (2) years prior to renewal, complete at least thirty
20 (30) hours of continuing education approved by the board. In the
21 case of a certified registered nurse practitioner who is
22 prescribing medical therapeutic or corrective measures pursuant
23 to section 8.3, that continuing education must include at least
24 sixteen (16) hours in pharmacology in that two-year period.]

25 Advanced Practice Registered Nurse-Certified Nurse
26 Practitioner.--

27 (d) A registered nurse who holds current certification by
28 the Board on the effective date of this subsection as a
29 certified registered nurse practitioner in a population focus
30 area shall automatically be deemed to be licensed by the Board

1 as an APRN-CNP in the population focus area for which the
2 registered nurse is certified. The Board shall issue appropriate
3 written notice of the license as an APRN-CNP, except that the
4 issuance of that notice shall not be a condition precedent to
5 practice in accordance with the license.

6 (e) Except as provided in subsection (d), an individual
7 shall not qualify for an initial license as an APRN-CNP on or
8 after the effective date of this subsection unless the person
9 meets the following criteria:

10 (1) Holds a current license in this Commonwealth as a
11 registered nurse.

12 (2) Is a graduate of an accredited, Board-approved nurse
13 practitioner program at the master's, post-master's or doctoral
14 level.

15 (3) Holds current certification as an APRN-CNP from a Board-
16 recognized national certification program that requires passage
17 of a national certifying examination in a population focus area
18 for which the registered nurse is certified and is seeking
19 licensure by the Board.

20 (f) (1) An initial license under subsection (d) as an APRN-
21 CNP shall expire on the same date as the registered nurse's then
22 current license as a registered nurse is scheduled to expire.
23 The license as an APRN-CNP shall thereafter be renewed
24 biennially on the same date as the nurse's license as a
25 registered nurse.

26 (2) An initial license under subsection (e) or section 7(b)
27 as an APRN-CNP shall expire on the same date as the registered
28 nurse's then current license as a registered nurse is scheduled
29 to expire. The license as an APRN-CNP shall thereafter be
30 renewed biennially on the same date as the nurse's license as a

1 registered nurse.

2 (3) As a condition for biennial renewal by the Board of a
3 license as an APRN-CNP, the nurse must do all of the following:

4 (i) Maintain a current license in this Commonwealth as a
5 registered nurse.

6 (ii) Maintain current certification through a Board-
7 recognized national certification program in the population
8 focus area in which the registered nurse is licensed as an APRN-
9 CNP by the Board.

10 (iii) In the two (2) years prior to renewal, complete at
11 least thirty (30) hours of continuing education approved by the
12 Board. For an APRN-CNP who is prescribing medical therapeutic or
13 corrective measures under section 8.3, the continuing education
14 shall include at least sixteen (16) hours in pharmacology in the
15 two-year period.

16 (g) The Board shall establish a procedure by which a license
17 as an APRN-CNP may be amended prior to the biennial renewal date
18 in order to authorize a registered nurse to practice in a
19 population focus area in which the nurse was not certified on
20 the effective date of this subsection or on the date on which
21 the nurse's current license as an APRN-CNP was issued or
22 renewed. The Board shall authorize an APRN-CNP to practice in an
23 additional population focus area only if the nurse holds current
24 certification from a Board-recognized national certification
25 program that requires passage of a national certifying
26 examination in the additional population focus area.

27 (h) (1) The use of the terms "certified registered nurse
28 practitioner," "registered nurse practitioner," "certified nurse
29 practitioner" and "nurse practitioner" in any other act shall be
30 deemed to include a person licensed as an APRN-CNP under this

1 section or section 7(b) and shall be entitled to practice in
2 accordance with this act, notwithstanding any other provision of
3 law.

4 (2) A registered nurse who is licensed by the Board as an
5 APRN-CNP in a population focus area is entitled to use the title
6 "advanced practice registered nurse-certified nurse
7 practitioner" and the letters "APRN-CNP." It shall be unlawful
8 for any other person to use the title "advanced practice
9 registered nurse-certified nurse practitioner" or the letters
10 "APRN-CNP."

11 (i) (1) An APRN-CNP may form a professional corporation
12 with one or more of the following:

13 (i) Other registered nurses.

14 (ii) Other health care practitioners who treat human
15 ailments and conditions and are licensed to provide health care
16 services in this Commonwealth without receiving a referral or
17 supervision from another health care practitioner.

18 (2) This subsection shall be construed to abrogate the
19 requirement that the State Board of Medicine and the State Board
20 of Osteopathic Medicine expressly authorize the combined
21 practice of APRN-CNPs with doctors of medicine or doctors of
22 osteopathic medicine, respectively, found in 15 Pa.C.S. §
23 2903(d)(1)(ii) (relating to formation of professional
24 corporations).

25 (j) An APRN-CNP who has engaged in the practice of
26 professional nursing in collaboration with a physician for a
27 period of not less than three (3) years and not less than three
28 thousand six hundred (3,600) hours in accordance with a written
29 collaborative agreement with a physician shall not be subject to
30 the requirements under sections 8.2(b) and 8.3(a)(2)(i).

1 (k) An APRN-CNP who qualifies for the exception under
2 subsection (j) shall file a form with the Board attesting to
3 having engaged in the practice of professional nursing in
4 collaboration with a physician for a period of not less than
5 three (3) years and not less than three thousand six hundred
6 (3,600) hours pursuant to a written collaborative agreement. The
7 form shall be developed by the Board.

8 (l) A registered nurse who was licensed or certified by
9 another state, territory or possession of the United States or a
10 foreign country and received a license as an APRN-CNP issued by
11 the Board or a temporary practice permit to practice as an APRN-
12 CNP under section 4.1 may qualify for the exception under
13 subsection (j) if the APRN-CNP satisfactorily demonstrates to
14 the Board the completion of no less than three (3) years and no
15 less than three thousand six hundred (3,600) hours of practice
16 in collaboration with a physician deemed equivalent to the
17 requirements of subsection (j) which occurred in this
18 Commonwealth or in one or more other states, territories or
19 possessions of the United States or foreign countries where the
20 APRN-CNP was previously, or is currently, licensed.

21 (m) The APRN-CNP shall be accountable to patients, the
22 nursing profession and the Board and shall:

23 (1) Comply with the requirements of this chapter and the
24 quality expectations of advanced nursing care rendered.

25 (2) Recognize limits of knowledge and experience.

26 (3) Plan for the management of situations beyond the APRN-
27 CNP's expertise.

28 (4) Consult with or refer patients to other health care
29 providers, as appropriate.

30 Section 8.2. Scope of Practice for [Certified Registered

1 Nurse Practitioners] Advanced Practice Registered Nurse-
2 Certified Nurse Practitioners.--(a) A [certified registered
3 nurse practitioner while functioning in the expanded role as a
4 professional nurse] An APRN-CNP shall practice within the scope
5 of practice of the [particular clinical specialty] population
6 focus area in which the nurse is [certified] licensed by the
7 board. Notwithstanding any other provision of law, an APRN-CNP
8 who meets the requirements under section 8.1(j) or (l) is
9 entitled to all of the following:

10 (1) To practice as a licensed independent practitioner
11 within the scope of practice of a particular population focus
12 area.

13 (2) To be recognized as a primary care provider under
14 managed care and other health care plans.

15 (b) [A certified registered nurse practitioner] Except as
16 provided under section 8.1(j) or (l), an APRN-CNP may perform
17 acts of medical diagnosis [in collaboration] pursuant to a
18 written collaboration agreement with a physician and in
19 accordance with regulations promulgated by the board.

20 (c) Except as provided in subsection (c.1), [a certified
21 registered nurse practitioner] an APRN-CNP may prescribe medical
22 therapeutic or corrective measures if the nurse is acting in
23 accordance with the provisions of section 8.3.

24 (c.1) [Except as limited by subsection (c.2), and in] An
25 APRN-CNP who has not met the three-year or 3600-hour requirement
26 under section 8.1(j) or (l), in addition to existing authority,
27 [a certified registered nurse practitioner] shall have authority
28 to do all of the following, provided that the [certified nurse
29 practitioner] APRN-CNP is acting within the scope of the
30 [certified registered nurse practitioner's] APRN-CNP's written

1 collaborative [or written] agreement with a physician and the
2 [certified registered nurse practitioner's specialty
3 certification] APRN-CNP's population focus area:

4 (1) Order home health and hospice care.

5 (2) Order durable medical equipment.

6 (3) Issue oral orders [to the extent permitted by the health
7 care facilities' by-laws, rules, regulations or administrative
8 policies and guidelines].

9 (4) Make physical therapy and dietitian referrals.

10 (5) Make respiratory, speech and occupational therapy
11 referrals.

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

14 (7) Issue homebound schooling certifications.

15 (8) Perform and sign the initial assessment of methadone
16 treatment evaluations[, provided that any] and order [for]
17 methadone treatment [shall be made only by a physician].

18 (c.2) [Nothing in this section shall be construed to:

19 (1) Supersede the authority of the Department of Health and
20 the Department of Public Welfare to regulate the types of health
21 care professionals who are eligible for medical staff membership
22 or clinical privileges.

23 (2) Restrict the authority of a health care facility to
24 determine the scope of practice and supervision or other
25 oversight requirements for health care professionals practicing
26 within the facility.] Notwithstanding any provision of the act

27 of July 19, 1979 (P.L.130, No.48), known as the "Health Care
28 Facilities Act," no regulation or order of the Department of
29 Health, the Department of Human Services or the Insurance
30 Department shall preclude the decision of the governing body of

1 a health care facility that the types of health care
2 professionals who are eligible for medical staff membership or
3 clinical privileges at the facility include APRN-CNPs when
4 practicing as licensed independent practitioners.

5 (d) Nothing in this section shall be construed to limit or
6 prohibit [a certified registered nurse practitioner] an APRN-CNP
7 from engaging in those activities which normally constitute the
8 practice of professional nursing as defined in section 2.

9 Section 8.3. Prescriptive Authority for [Certified
10 Registered] Advanced Practice Registered Nurse-Certified Nurse
11 Practitioners.--(a) [A certified registered nurse practitioner]
12 An APRN-CNP may prescribe medical therapeutic or corrective
13 measures if the nurse:

14 (1) has successfully completed at least forty-five (45)
15 hours of coursework specific to advanced pharmacology at a level
16 above that required by a professional nursing education program;

17 (2) (i) except as provided under subparagraph (ii), is
18 acting [in collaboration with a physician as set forth in a]
19 within the scope of a written collaborative agreement with a
20 physician which shall, at a minimum, identify the following:

21 [(i)] (A) the area of practice in which the nurse is
22 certified;

23 [(ii)] (B) the categories of drugs from which the nurse may
24 prescribe or dispense; and

25 [(iii)] (C) the circumstances and how often the
26 collaborating physician will personally see the patient; [and]
27 or

28 (ii) is an APRN-CNP that qualifies for the exception under
29 section 8.1(j) or (l) and is practicing within a population
30 focus area in which the nurse is certified by a Board-recognized

1 national certification program; and

2 (3) is acting in accordance with regulations promulgated by
3 the board.

4 (b) [A certified registered nurse practitioner] An APRN-CNP
5 who satisfies the requirements of subsection (a) may prescribe
6 and dispense [those categories of drugs that certified
7 registered nurse practitioners were authorized to prescribe and
8 dispense by board regulations in effect on the effective date of
9 this section, subject to the restrictions on certain drug
10 categories imposed by those regulations. The board shall add to
11 or delete from the categories of authorized drugs in accordance
12 with the provisions of section 8.4] proprietary and
13 nonproprietary drugs, subject to any restrictions imposed by
14 Board regulations or by Federal law.

15 Section 8.4. [Drug Review Committee.--(a) The Drug Review
16 Committee is hereby established and shall consist of seven
17 members as follows:

18 (1) The Secretary of Health or, at the discretion of the
19 Secretary of Health, the Physician General as his or her
20 designee, who shall act as chairman.

21 (2) Two certified registered nurse practitioners who are
22 actively engaged in clinical practice, appointed to three-year
23 terms by the Secretary of Health.

24 (3) Two licensed physicians who are actively engaged in
25 clinical practice, appointed to three-year terms by the
26 Secretary of Health, at least one of whom shall, at the time of
27 appointment, be collaborating with one or more certified
28 registered nurse practitioners in accordance with section 8.3(a)

29 (2).

30 (4) Two licensed pharmacists who are actively engaged in the

1 practice of pharmacy, appointed to three-year terms by the
2 Secretary of Health.

3 (b) (1) The board shall submit to the Drug Review Committee
4 any proposed change to the categories of drugs that certified
5 registered nurse practitioners were authorized to prescribe
6 pursuant to board regulations in effect on the effective date of
7 this section. The board shall not change, by addition or
8 deletion, the categories of authorized drugs without prior
9 approval of the Drug Review Committee.

10 (2) Within sixty (60) days of a submission by the board
11 under paragraph (1), a majority of the Drug Review Committee
12 shall vote to approve or disapprove the proposed change.

13 (3) If a majority of the Drug Review Committee fails to vote
14 to approve or disapprove the proposed change within sixty (60)
15 days of receipt of a submission by the board under paragraph
16 (1), the Drug Review Committee shall be deemed to have approved
17 the proposed change.] (Reserved).

18 Section 8.7. Professional Liability.--[A certified
19 registered nurse practitioner] An APRN-CNP practicing in this
20 Commonwealth shall maintain a level of professional liability
21 coverage as required for a nonparticipating health care provider
22 under the act of March 20, 2002 (P.L.154, No.13), known as the
23 "Medical Care Availability and Reduction of Error (Mcare) Act,"
24 but shall not be eligible to participate in the Medical Care
25 Availability and Reduction of Error (Mcare) Fund.

26 (b) An APRN-CNP who qualifies for the exception under
27 section 8.1(j) or (l) and practices without the need for a
28 written collaborative agreement with a physician shall satisfy
29 the liability coverage requirement under subsection (a) by
30 maintaining an individual policy in the APRN-CNP's own name.

1 Section 11.1. Reporting of Multiple Licensure.--Any licensed
2 professional nurse or dietitian-nutritionist of this
3 Commonwealth who is also licensed to practice nursing, advanced
4 practice registered nursing or dietetics-nutrition in any other
5 state, territory, possession or country shall report this
6 information to the Board on the biennial registration
7 application. Any disciplinary action taken in other states shall
8 be reported to the Board on the biennial registration
9 application or within ninety (90) days of final disposition,
10 whichever is sooner. Multiple licensure shall be noted by the
11 Board on the licensee's record, and such state, territory,
12 possession or country shall be notified by the Board of any
13 disciplinary actions taken against said licensee in this
14 Commonwealth.

15 Section 12.1. Continuing Nursing Education.--* * *

16 (g) In lieu of meeting the requirements of this section:

17 (1) [Certified registered nurse practitioners] APRN-CNPs
18 and dietetics-nutrition licensees shall fulfill the
19 requirements for continuing education in accordance with
20 sections 8.1 and 11, respectively.

21 * * *

22 Section 13. Punishment for Violations.--* * *

23 (b) In addition to any other civil remedy or criminal
24 penalty provided for in this act, the Board, by a vote of the
25 majority of the maximum number of the authorized membership of
26 the Board as provided by law or by a vote of the majority of the
27 duly qualified and confirmed membership or a minimum of five (5)
28 members, whichever is greater, may levy a civil penalty of up to
29 one thousand dollars (\$1,000) on any current licensee who
30 violates any provision of this act or on any person who

1 practices nursing, practices advanced practice registered
2 nursing or holds himself or herself forth as a licensed
3 dietitian-nutritionist without being properly licensed to do so
4 under this act or on the responsible officers or employes of any
5 corporation, copartnership, institution or association violating
6 any of the provisions of this act. The Board shall levy this
7 penalty only after affording the accused party the opportunity
8 for a hearing, as provided in Title 2 of the Pennsylvania
9 Consolidated Statutes (relating to administrative law and
10 procedure).

11 Section 14. Refusal, Suspension or Revocation of Licenses.--

12 (a) The Board may refuse, suspend or revoke any license in any
13 case where the Board shall find that--

14 (1) The licensee is on repeated occasions negligent or
15 incompetent in the practice of professional nursing, advanced
16 practice registered nursing or dietetics-nutrition.

17 (2) The licensee is unable to practice professional nursing
18 or the practice of advanced practice registered nursing with
19 reasonable skill and safety to patients by reason of mental or
20 physical illness or condition or physiological or psychological
21 dependence upon alcohol, hallucinogenic or narcotic drugs or
22 other drugs which tend to impair judgment or coordination, so
23 long as such dependence shall continue. In enforcing this clause
24 (2), the Board shall, upon probable cause, have authority to
25 compel a licensee to submit to a mental or physical examination
26 as designated by it. After notice, hearing, adjudication and
27 appeal as provided for in section 15, failure of a licensee to
28 submit to such examination when directed shall constitute an
29 admission of the allegations against him or her unless failure
30 is due to circumstances beyond his or her control, consequent

1 upon which a default and final order may be entered without the
2 taking of testimony or presentation of evidence. A licensee
3 affected under this paragraph shall at reasonable intervals be
4 afforded an opportunity to demonstrate that he or she can resume
5 a competent practice of professional nursing or the practice of
6 advanced practice registered nursing with reasonable skill and
7 safety to patients.

8 * * *

9 (4) The licensee has committed fraud or deceit in:

10 (i) the practice of nursing, the practice of advanced
11 practice registered nursing or in securing his or her admission
12 to such practice or nursing school; or

13 (ii) the practice of dietetics-nutrition or in securing his
14 or her license as a dietitian-nutritionist.

15 * * *

16 (b) When the Board finds that the license of any nurse or
17 dietitian-nutritionist may be refused, revoked or suspended
18 under the terms of subsection (a), the Board may:

19 * * *

20 (6) Restore or reissue, in its discretion, a suspended
21 license to practice professional or practical nursing, advanced
22 practice registered nursing or dietetics-nutrition and impose
23 any disciplinary or corrective measure which it might originally
24 have imposed.

25 Section 15.2. Reinstatement of License.--Unless ordered to
26 do so by Commonwealth Court or an appeal therefrom, the Board
27 shall not reinstate the license of a person to practice nursing,
28 advanced practice registered nursing or dietetics-nutrition
29 which has been revoked. Any person whose license has been
30 revoked may reapply for a license, after a period of at least

1 five (5) years, but must meet all of the licensing
2 qualifications of this act for the license applied for, to
3 include the examination requirement, if he or she desires to
4 practice at any time after such revocation.

5 Section 15.4. Injunction or Other Process.--It shall be
6 unlawful for any person to practice or attempt to offer to
7 practice nursing, practice advanced practice registered nursing
8 or hold himself or herself forth as a licensed dietitian-
9 nutritionist[, as defined in this act,] or an APRN-CNP without
10 having at the time of so doing a valid, unexpired, unrevoked and
11 unsuspended license issued under this act. The unlawful practice
12 of nursing [as defined in this act] or unlawful practice of
13 advanced practice registered nursing may be enjoined by the
14 courts on petition of the Board or the Commissioner of
15 Professional and Occupational Affairs. In any such proceeding,
16 it shall not be necessary to show that any person is
17 individually injured by the actions complained of. If it is
18 determined that the respondent has engaged in the unlawful
19 practice of nursing or the unlawful practice of advanced
20 practice registered nursing, the court shall enjoin him or her
21 from so practicing unless and until he or she has been duly
22 licensed. Procedure in such cases shall be the same as in any
23 other injunction suit. The remedy by injunction hereby given is
24 in addition to any other civil or criminal prosecution and
25 punishment.

26 Section 4. The authority of the State Board of Nursing to
27 certify a licensed registered nurse as an advanced practice
28 registered nurse-certified nurse practitioner shall expire on
29 the effective date of this section.

30 Section 5. Within 90 days after the effective date of this

1 section, the State Board of Nursing, the Department of Health,
2 the Department of Human Services and other affected agencies
3 shall initiate the promulgation of regulations necessary to
4 carry out the provisions of this act. The promulgation of the
5 regulations shall not be a condition precedent to the
6 applicability of this act.

7 Section 6. All other acts and parts of acts are repealed
8 insofar as they are inconsistent with this act.

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