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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL No. 1208 Session of 2001

INTRODUCED BY EARLL, KUKOVICH, MUSTO, PICCOLA, M. WHITE, LAVALLE, COSTA, MADIGAN, MOWERY, THOMPSON, KITCHEN, LEMMOND, PUNT, SCHWARTZ, ARMSTRONG, WAUGH, SCARNATI, BOSCOLA, WOZNIAK, GREENLEAF, HUGHES, CORMAN, TOMLINSON, HELFRICK, ROBBINS, MURPHY AND CONTI, NOVEMBER 14, 2001

SENATOR BRIGHTBILL, RULES AND EXECUTIVE NOMINATIONS, RE-REPORTED AS AMENDED, OCTOBER 2, 2002

AN ACT

Amending the act of May 22, 1951 (P.L.317, No.69), entitled, as 2 amended, "An act relating to the practice of professional nursing; providing for the licensing of nurses and for the 3 4 revocation and suspension of such licenses, subject to 5 appeal, and for their reinstatement; providing for the renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws," further defining "practice of professional nursing"; further 9 providing for the duties of the State Board of Nursing; and making a repeal. 10 11 The General Assembly of the Commonwealth of Pennsylvania 12 hereby enacts as follows: 13 The definition of "practice of professional Section 1. 14 nursing" in section 2 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, amended December 20, 1985 (P.L.409, No.109), is amended AND DEFINITIONS ARE ADDED 16 17 to read: 18 Section 2. Definitions. -- When used in this act, the

following words and phrases shall have the following meanings

unless the context provides otherwise:

- 1 (1) The "Practice of Professional Nursing" means diagnosing and treating human responses to actual or potential health 2 3 problems through such services as casefinding, health teaching, 4 health counseling, and provision of care supportive to or 5 restorative of life and well-being, and executing medical regimens as prescribed by a licensed physician or dentist. The 6 foregoing shall not be deemed to include acts of medical 7 8 diagnosis or prescription of medical therapeutic or corrective measures, except as [may be authorized by] PERFORMED BY A 9 <----10 CERTIFIED REGISTERED NURSE PRACTITIONER ACTING IN ACCORDANCE 11 WITH rules and regulations [jointly] promulgated by [the State Board of Medicine and] the Board[, which rules and regulations 12 13 shall be implemented by the Board]. 14 (2) "Board" means the State Board of Nursing. <----15 (3) "Approved" means approved by the State Board of Nursing. 16 (4) "Diagnosing" means that identification of and 17 discrimination between physical and psychosocial signs and 18 symptoms essential to effective execution and management of the 19 nursing regimen. 20 (5) "Treating" means selection and performance of those 21 therapeutic measures essential to the effective execution and 22 management of the nursing regimen, and execution of the 23 prescribed medical regimen. 24 (6) "Human responses" means those signs, symptoms and 25 processes which denote the individual's interaction with an 26 actual or potential health problem. * * * 27 28 (12) "CERTIFIED REGISTERED NURSE PRACTITIONER" MEANS A <---REGISTERED NURSE LICENSED IN THIS COMMONWEALTH WHO IS CERTIFIED
- 30 BY THE BOARD IN A PARTICULAR CLINICAL SPECIALTY AREA. A

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- 1 CERTIFIED REGISTERED NURSE PRACTITIONER MAY PERFORM ACTS OF
- 2 MEDICAL DIAGNOSIS IN ACCORDANCE WITH REGULATIONS PROMULGATED BY
- 3 THE BOARD. A CERTIFIED REGISTERED NURSE PRACTITIONER MAY
- 4 PRESCRIBE MEDICAL THERAPEUTIC OR CORRECTIVE MEASURES IF THE
- 5 NURSE IS ACTING IN COLLABORATION WITH A PHYSICIAN OR DENTIST AND
- 6 AS SET FORTH IN A WRITTEN AGREEMENT AND IS ACTING IN ACCORDANCE
- 7 WITH REGULATIONS PROMULGATED BY THE BOARD. NOTHING IN THIS
- 8 DEFINITION SHALL BE CONSTRUED TO LIMIT OR PROHIBIT A CERTIFIED
- 9 REGISTERED NURSE PRACTITIONER FROM ENGAGING IN THOSE ACTIVITIES
- 10 WHICH NORMALLY CONSTITUTE THE PRACTICE OF NURSING AS DEFINED IN
- 11 THIS ACT.
- 12 (13) "COLLABORATION" MEANS ALL OF THE FOLLOWING:
- 13 (I) IMMEDIATE AVAILABILITY OF A LICENSED PHYSICIAN TO A
- 14 CERTIFIED REGISTERED NURSE PRACTITIONER THROUGH DIRECT
- 15 COMMUNICATIONS OR BY RADIO, TELEPHONE OR TELECOMMUNICATIONS.
- 16 (II) A PREDETERMINED PLAN FOR EMERGENCY SERVICES.
- 17 (III) A PHYSICIAN AVAILABLE TO A CERTIFIED REGISTERED NURSE
- 18 PRACTITIONER ON A REGULARLY SCHEDULED BASIS FOR REFERRALS,
- 19 REVIEW OF THE STANDARDS OF MEDICAL PRACTICE INCORPORATING
- 20 CONSULTATION AND CHART REVIEW, DRUG AND OTHER MEDICAL PROTOCOLS
- 21 <u>WITHIN THE PRACTICE SETTING, PERIODIC UPDATING IN MEDICAL</u>
- 22 DIAGNOSIS AND THERAPEUTICS AND COSIGNING RECORDS WHEN NECESSARY
- 23 TO DOCUMENT ACCOUNTABILITY BY BOTH PARTIES.
- 24 Section 2. Section 2.1 of the act is amended by adding a
- 25 subsection to read:
- 26 Section 2.1. State Board of Nursing.--* * *
- 27 (1) Any powers and duties imposed on the State Board of
- 28 Medicine, or jointly imposed on the State Board of Medicine and
- 29 the State Board of Nursing, by or pursuant to law or regulation
- 30 shall, after the effective date of this subsection, be exercised

- 1 solely by the State Board of Nursing. This subsection shall not
- 2 apply to 49 Pa. Code §§ 21.283(4) (relating to prescribing and
- 3 <u>dispensing drugs</u>) and 21.321 (relating to performance of tasks
- 4 without direction; performance of tasks without training; other)
- 5 unless the State Board of Nursing promulgates a regulation to
- 6 exercise the duties imposed on the State Board of Medicine by
- 7 those sections.
- 8 SECTION 3. SECTION 3 OF THE ACT OF DECEMBER 20, 1985
- 9 (P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, IS
- 10 REPEALED INSOFAR AS IT PROVIDES FOR THE APPOINTMENT OF A
- 11 CERTIFIED REGISTERED NURSE PRACTITIONER TO THE BOARD.
- 12 Section 3 4. Section 15 of the act of December 20, 1985
- 13 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
- 14 repealed.
- 15 Section 4 5. The regulations set forth in 49 Pa. Code Ch. 18 <---

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- 16 Subch. C are abrogated to the extent they are inconsistent with
- 17 this act.
- 18 Section 5 6. (a) All references in 49 Pa. Code Ch. 21
- 19 Subch. C to the State Board of Medicine shall be deemed to refer
- 20 to the State Board of Nursing.
- 21 (b) Notwithstanding paragraph (1) SUBSECTION (A), the
- 22 reference in 49 Pa. Code §§ 21.283(4) and 21.321 to the State
- 23 Board of Medicine shall remain in effect unless amended by a
- 24 regulation promulgated by the State Board of Nursing.
- 25 (c) The State Board of Nursing shall promulgate regulations
- 26 amending Subchapter C of Chapter 21 of 49 Pa.Code to be
- 27 consistent with this act.
- 28 Section 6 7. (a) Nothing in this act shall be construed to <-
- 29 prohibit the continued practice of certified registered nurse
- 30 practitioners who were authorized to practice in this

- 1 Commonwealth on the effective date of this act.
- 2 (b) Nothing in this act shall be construed to invalidate any
- 3 certification, approval, designation, health care facility
- 4 policy, collaborative agreement, authorization to prescribe and
- 5 dispense therapeutic drugs or waiver of physician supervision
- 6 requirement in effect on the effective date of this act.
- 7 Section 7 8. This act shall take effect in 60 days.

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