

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 19, 2002

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 defining "practice of professional nursing"; further
9 providing for the duties of the State Board of Nursing;
10 PROVIDING FOR CERTIFIED REGISTERED NURSE PRACTITIONERS AND <—
11 FOR THEIR SCOPE OF PRACTICE AND PRESCRIPTIVE AUTHORITY;
12 ESTABLISHING THE DRUG REVIEW COMMITTEE; and making a repeal.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definition of "practice of professional
16 nursing" in section 2 of the act of May 22, 1951 (P.L.317,
17 No.69), known as The Professional Nursing Law, amended December
18 20, 1985 (P.L.409, No.109), is amended and definitions are added
19 to read:

20 Section 2. Definitions.--When used in this act, the

1 following words and phrases shall have the following meanings
2 unless the context provides otherwise:

3 (1) The "Practice of Professional Nursing" means diagnosing
4 and treating human responses to actual or potential health
5 problems through such services as casefinding, health teaching,
6 health counseling, and provision of care supportive to or
7 restorative of life and well-being, and executing medical
8 regimens as prescribed by a licensed physician or dentist. The
9 foregoing shall not be deemed to include acts of medical
10 diagnosis or prescription of medical therapeutic or corrective
11 measures, except as [may be authorized by] performed by a
12 certified registered nurse practitioner acting in accordance
13 with rules and regulations [jointly] promulgated by [the State
14 Board of Medicine and] the Board[, which rules and regulations
15 shall be implemented by the Board].

16 * * *

17 (12) "Certified registered nurse practitioner" means a
18 registered nurse licensed in this Commonwealth who is certified
19 by the board in a particular clinical specialty area. A <—
20 ~~certified registered nurse practitioner may perform acts of~~
21 ~~medical diagnosis in accordance with regulations promulgated by~~
22 ~~the board. A certified registered nurse practitioner may~~
23 ~~prescribe medical therapeutic or corrective measures if the~~
24 ~~nurse is acting in collaboration with a physician or dentist and~~
25 ~~as set forth in a written agreement and is acting in accordance~~
26 ~~with regulations promulgated by the board. Nothing in this~~
27 ~~definition shall be construed to limit or prohibit a certified~~
28 ~~registered nurse practitioner from engaging in those activities~~
29 ~~which normally constitute the practice of nursing as defined in~~
30 ~~this act.~~

1 (13) "Collaboration" means A PROCESS IN WHICH A CERTIFIED <—
2 REGISTERED NURSE PRACTITIONER WORKS WITH ONE OR MORE PHYSICIANS
3 TO DELIVER HEALTH CARE SERVICES WITHIN THE SCOPE OF THE
4 CERTIFIED REGISTERED NURSE PRACTITIONER'S EXPERTISE. THE PROCESS
5 INCLUDES all of the following:

6 (i) Immediate availability of a licensed physician to a
7 certified registered nurse practitioner through direct
8 communications or by radio, telephone or telecommunications.

9 (ii) A predetermined plan for emergency services.

10 (iii) A physician available to a certified registered nurse
11 practitioner on a regularly scheduled basis for referrals,
12 review of the standards of medical practice incorporating
13 consultation and chart review, drug and other medical protocols
14 within the practice setting, periodic updating in medical
15 diagnosis and therapeutics and cosigning records when necessary
16 to document accountability by both parties.

17 (14) "DRUG REVIEW COMMITTEE" MEANS THE COMMITTEE ESTABLISHED <—
18 IN SECTION 8.4 OF THIS ACT WHOSE FUNCTION IS TO APPROVE OR
19 DISAPPROVE, BY ADDITION OR DELETION, THE CATEGORIES OF DRUGS
20 THAT MAY BE PRESCRIBED BY CERTIFIED REGISTERED NURSE
21 PRACTITIONERS.

22 Section 2. Section 2.1 of the act is amended by adding a
23 subsection to read:

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

25 (1) Any powers and duties imposed on the State Board of
26 Medicine, or jointly imposed on the State Board of Medicine and
27 the State Board of Nursing, WITH RESPECT TO CERTIFIED REGISTERED <—
28 NURSE PRACTITIONERS, by or pursuant to law or regulation shall,
29 after the effective date of this subsection, be exercised solely
30 by the State Board of Nursing. This subsection shall not apply

1 to 49 Pa. Code §§ 21.283(4) (relating to prescribing and
2 dispensing drugs) and 21.321 (relating to performance of tasks
3 without direction; performance of tasks without training; other)
4 unless the State Board of Nursing promulgates a regulation to
5 exercise the duties imposed on the State Board of Medicine by
6 those sections.

7 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <—

8 SECTION 8.1. CERTIFIED REGISTERED NURSE PRACTITIONERS;
9 QUALIFICATIONS.--(A) THE BOARD MAY CERTIFY A LICENSED
10 REGISTERED NURSE AS A CERTIFIED REGISTERED NURSE PRACTITIONER IN
11 A PARTICULAR CLINICAL SPECIALTY AREA IF THE NURSE SATISFIES THE
12 REQUIREMENTS ESTABLISHED BY THIS ACT AND REGULATIONS PROMULGATED
13 BY THE BOARD. CERTIFICATION OF A NURSE BY THE BOARD SHALL EXPIRE
14 ON THE SAME DATE AS THE LICENSE OF THAT NURSE EXPIRES.

15 (B) (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A
16 NURSE SHALL NOT QUALIFY FOR INITIAL CERTIFICATION BY THE BOARD
17 UNDER SUBSECTION (A) UNLESS THE NURSE:

18 (I) IS A GRADUATE OF AN ACCREDITED, BOARD-APPROVED MASTER'S
19 OR POST-MASTER'S NURSE PRACTITIONER PROGRAM; AND

20 (II) HOLDS CERTIFICATION AS A CERTIFIED REGISTERED NURSE
21 PRACTITIONER FROM A BOARD-RECOGNIZED NATIONAL CERTIFICATION
22 ORGANIZATION WHICH REQUIRED PASSING OF A NATIONAL CERTIFYING
23 EXAMINATION IN THE PARTICULAR CLINICAL SPECIALTY AREA IN WHICH
24 THE NURSE IS SEEKING CERTIFICATION BY THE BOARD.

25 (2) THIS SUBSECTION SHALL NOT APPLY TO A NURSE WHO:

26 (I) HOLD CERTIFICATION FROM THE BOARD AS A CERTIFIED
27 REGISTERED NURSE PRACTITIONER ON THE EFFECTIVE DATE OF THIS
28 SUBSECTION; OR

29 (II) WOULD OTHERWISE QUALIFY FOR CERTIFICATION AS A
30 CERTIFIED REGISTERED NURSE PRACTITIONER UNDER SECTION 7(B) OF

1 THIS ACT.

2 (3) IN ORDER TO PROVIDE A TRANSITION PERIOD FOR PERSONS WHO
3 COMPLETED OR WERE ENROLLED IN AN APPROVED EDUCATIONAL PROGRAM ON
4 THE EFFECTIVE DATE OF THIS SECTION AND TO PERMIT THOSE PERSONS
5 TO APPLY FOR CERTIFICATION UNDER THE RULES IN EXISTENCE
6 IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, THE
7 BOARD SHALL ISSUE INITIAL CERTIFICATION TO ANY PERSON WHO,
8 WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SECTION:

9 (I) SUBMITS EVIDENCE OF HAVING COMPLETED OR BEEN ENROLLED IN
10 AN APPROVED EDUCATIONAL PROGRAM ON THE EFFECTIVE DATE OF THIS
11 SECTION; AND

12 (II) FULFILLS ALL ADMINISTRATIVE REQUIREMENTS OF THE BOARD
13 AND POSSESSES ALL OF THE OTHER QUALIFICATIONS FOR CERTIFICATION
14 IN EFFECT IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS
15 SECTION.

16 (C) AS A CONDITION FOR BIENNIAL RENEWAL OF CERTIFICATION BY
17 THE BOARD, A CERTIFIED REGISTERED NURSE PRACTITIONER MUST IN THE
18 TWO YEARS PRIOR TO RENEWAL, COMPLETE AT LEAST THIRTY (30) HOURS
19 OF CONTINUING EDUCATION APPROVED BY THE BOARD. IN THE CASE OF A
20 CERTIFIED REGISTERED NURSE PRACTITIONER WHO IS PRESCRIBING
21 MEDICAL THERAPEUTIC OR CORRECTIVE MEASURES PURSUANT TO SECTION
22 8.3 OF THIS ACT, THAT CONTINUING EDUCATION MUST INCLUDE AT LEAST
23 SIXTEEN (16) HOURS IN PHARMACOLOGY IN THAT TWO-YEAR PERIOD.

24 SECTION 8.2. SCOPE OF PRACTICE FOR CERTIFIED REGISTERED
25 NURSE PRACTITIONERS.--(A) A CERTIFIED REGISTERED NURSE
26 PRACTITIONER, WHILE FUNCTIONING IN THE EXPANDED ROLE AS A
27 PROFESSIONAL NURSE, SHALL PRACTICE WITHIN THE SCOPE OF PRACTICE
28 OF THE PARTICULAR CLINICAL SPECIALTY AREA IN WHICH THE NURSE IS
29 CERTIFIED BY THE BOARD.

30 (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 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 OF THIS
ACT.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR
PROHIBIT A CERTIFIED REGISTERED NURSE PRACTITIONER FROM ENGAGING
IN THOSE ACTIVITIES WHICH NORMALLY CONSTITUTE THE PRACTICE OF
NURSING AS DEFINED IN SECTION 2 OF THIS ACT.

SECTION 8.3. PRESCRIPTIVE AUTHORITY FOR CERTIFIED REGISTERED
NURSE PRACTITIONERS.--(A) A CERTIFIED REGISTERED NURSE
PRACTITIONER MAY PRESCRIBE MEDICAL THERAPEUTIC OR CORRECTIVE
MEASURES IF THE NURSE:

(1) HAS SUCCESSFULLY COMPLETED AT LEAST FORTY-FIVE (45)
HOURS OF COURSE WORK SPECIFIC TO ADVANCED PHARMACOLOGY AT A
LEVEL ABOVE THAT REQUIRED BY A PROFESSIONAL NURSING EDUCATION
PROGRAM;

(2) IS ACTING IN COLLABORATION WITH A PHYSICIAN AS SET FORTH
IN A WRITTEN AGREEMENT WHICH SHALL, AT A MINIMUM, IDENTIFY THE
FOLLOWING:

(I) THE AREA OF PRACTICE IN WHICH THE NURSE IS CERTIFIED;

(II) THE CATEGORIES OF DRUGS FROM WHICH THE NURSE MAY
PRESCRIBE OR DISPENSE; AND

(III) THE CIRCUMSTANCES AND HOW OFTEN THE COLLABORATING
PHYSICIAN WILL PERSONALLY SEE THE PATIENT; AND

(3) IS ACTING IN ACCORDANCE WITH REGULATIONS PROMULGATED BY
THE BOARD.

(B) A CERTIFIED REGISTERED NURSE PRACTITIONER WHO SATISFIES
THE REQUIREMENTS OF SUBSECTION (A) MAY PRESCRIBE AND DISPENSE

1 THOSE CATEGORIES OF DRUGS THAT CERTIFIED REGISTERED NURSE
2 PRACTITIONERS WERE AUTHORIZED TO PRESCRIBE AND DISPENSE BY BOARD
3 REGULATIONS IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION,
4 SUBJECT TO THE RESTRICTIONS ON CERTAIN DRUG CATEGORIES IMPOSED
5 BY THOSE REGULATIONS. THE BOARD SHALL ADD TO OR DELETE FROM THE
6 CATEGORIES OF AUTHORIZED DRUGS IN ACCORDANCE WITH THE PROVISIONS
7 OF SECTION 8.4 OF THIS ACT.

8 SECTION 8.4. DRUG REVIEW COMMITTEE.--(A) THE DRUG REVIEW
9 COMMITTEE IS HEREBY ESTABLISHED AND SHALL CONSIST OF SEVEN
10 MEMBERS AS FOLLOWS:

11 (1) THE SECRETARY OF HEALTH OR, AT THE DISCRETION THE
12 SECRETARY OF HEALTH, THE PHYSICIAN GENERAL AS HIS OR HER
13 DESIGNEE, WHO SHALL ACT AS CHAIRMAN.

14 (2) TWO CERTIFIED REGISTERED NURSE PRACTITIONERS WHO ARE
15 ACTIVELY ENGAGED IN CLINICAL PRACTICE, APPOINTED TO THREE-YEAR
16 TERMS BY THE SECRETARY OF HEALTH.

17 (3) TWO LICENSED PHYSICIANS WHO ARE ACTIVELY ENGAGED IN
18 CLINICAL PRACTICE APPOINTED TO THREE-YEAR TERMS BY THE SECRETARY
19 OF HEALTH, AT LEAST ONE OF WHOM SHALL, AT THE TIME OF
20 APPOINTMENT, BE COLLABORATING WITH ONE OR MORE CERTIFIED
21 REGISTERED NURSE PRACTITIONERS IN ACCORDANCE WITH SECTION
22 8.3(A)(2) OF THIS ACT.

23 (4) TWO LICENSED PHARMACISTS WHO ARE ACTIVELY ENGAGED IN THE
24 PRACTICE OF PHARMACY, APPOINTED TO THREE-YEAR TERMS BY THE
25 SECRETARY OF HEALTH.

26 (B) (1) THE BOARD SHALL SUBMIT TO THE DRUG REVIEW COMMITTEE
27 ANY PROPOSED CHANGE TO THE CATEGORIES OF DRUGS THAT CERTIFIED
28 REGISTERED NURSE PRACTITIONERS WERE AUTHORIZED TO PRESCRIBE
29 PURSUANT TO BOARD REGULATIONS IN EFFECT ON THE EFFECTIVE DATE OF
30 THIS SECTION. THE BOARD SHALL NOT CHANGE, BY ADDITION OR

1 DELETION, THE CATEGORIES OF AUTHORIZED DRUGS WITHOUT PRIOR
2 APPROVAL OF THE DRUG REVIEW COMMITTEE.

3 (2) WITHIN SIXTY (60) DAYS OF A SUBMISSION BY THE BOARD
4 UNDER PARAGRAPH (1), A MAJORITY OF THE DRUG REVIEW COMMITTEE
5 SHALL VOTE TO APPROVE OR DISAPPROVE THE PROPOSED CHANGE.

6 (3) IF A MAJORITY OF THE DRUG REVIEW COMMITTEE FAILS TO VOTE
7 TO APPROVE OR DISAPPROVE THE PROPOSED CHANGE WITHIN SIXTY (60)
8 DAYS OF RECEIPT OF A SUBMISSION BY THE BOARD UNDER PARAGRAPH
9 (1), THE DRUG REVIEW COMMITTEE SHALL BE DEEMED TO HAVE APPROVED
10 THE PROPOSED CHANGE.

11 Section ~~3~~ 4. Section 3 of the act of December 20, 1985 <—
12 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
13 repealed insofar as it provides for the appointment of a
14 certified registered nurse practitioner to the ~~board~~ STATE BOARD <—
15 OF MEDICINE.

16 Section ~~4~~ 5. Section 15 of the act of December 20, 1985 <—
17 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
18 repealed.

19 Section ~~5~~ 6. The regulations set forth in 49 Pa. Code Ch. 18 <—
20 Subch. C are abrogated to the extent they are inconsistent with
21 this act.

22 Section ~~6~~ 7. (a) All references in 49 Pa. Code Ch. 21 <—
23 Subch. C to the State Board of Medicine shall be deemed to refer
24 to the State Board of Nursing.

25 (b) Notwithstanding subsection (a), the reference in 49 Pa.
26 Code §§ 21.283(4) and 21.321 to the State Board of Medicine
27 shall remain in effect unless amended by a regulation
28 promulgated by the State Board of Nursing.

29 (c) The State Board of Nursing shall promulgate regulations
30 amending Subchapter C of Chapter 21 of 49 Pa.Code to be

1 consistent with this act.

2 Section 7 8. (a) Nothing in this act shall be construed to <—
3 prohibit the continued practice of certified registered nurse
4 practitioners who were authorized to practice in this
5 Commonwealth on the effective date of this act.

6 (b) Nothing in this act shall be construed to invalidate any
7 certification, approval, designation, health care facility
8 policy, collaborative agreement, authorization to prescribe and
9 dispense therapeutic drugs or waiver of physician supervision
10 requirement in effect on the effective date of this act.

11 Section 8 9. This act shall take effect in 60 days. <—