

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 754 Session of
2005INTRODUCED BY BROWNE, RAFFERTY, COSTA, WAUGH AND WONDERLING,
JUNE 13, 2005SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, MARCH 14, 2006

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,"
8 establishing the Nurses Health Program; and making an
9 appropriation.

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

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

15 Section 14.2. Nurses Health Program.--(a) The Board, IN <—
16 CONJUNCTION WITH THE PROFESSIONAL HEALTH MONITORING PROGRAM
17 WITHIN THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS,
18 shall establish a Statewide peer assistance program to be known
19 as the Nurses Health Program, for registered nurses and licensed
20 practical nurses, which will identify, assist and monitor nurses
21 experiencing mental health, alcohol, drug problems or that are <—

~~or are likely to impair the~~ AND DRUG PROBLEMS THAT IMPAIR THEIR
ability to practice, so that they may return OR CONTINUE to
practice safe nursing.

(b) The Board shall enter into a memorandum of understanding
~~with an organization having a 501(C)(3) tax exempt status as~~
~~defined in section 501(c)(3) of the Internal Revenue Code of~~
~~1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3))~~ to administer
the Nurses Health Program. The memorandum of understanding shall
include program eligibility criteria and reporting information.

~~(c) A registered nurse or a licensed practical nurse who in~~
~~good faith requests to be placed in the Nurses Health Program:~~

~~(1) May not be disciplined or discriminated against for~~
~~making the request.~~

~~(2) May, if appropriate, engage in the requested conduct~~
~~pending the peer review.~~

~~(3) Shall only be disciplined by the board while in the~~
~~Nurses Health Program in accordance with the provisions of the~~
~~memorandum of understanding required in this section.~~

~~(d) Communications made while in the Nurses Health Program~~
~~shall be considered confidential and not subject to disclosure~~
~~during a civil or administrative proceeding. A nurse acting in~~
~~good faith to carry out the intervention, referral and~~
~~monitoring activities of the program shall have immunity from~~
~~civil liability for professional acts performed while in the~~
~~program.~~

~~(e) A dual licensed nurse who enrolls in the voluntary~~
~~Nurses Health Program shall not be required to undergo the same~~
~~or similar program by any other professional licensing board,~~
~~nor shall such dual licensed nurse be subject to any punitive~~
~~sanctions by any other professional licensing board on account~~

1 ~~of such enrollment.~~

2 ~~(f)~~ (C) An annual report on the program's activities shall <—
3 be made to the Board.

4 ~~Section 2. Five percent of the State Board of Nursing's~~ <—
5 ~~annual fees from nursing registrations, renewals,~~
6 ~~certifications, licenses or applications shall be annually~~
7 ~~appropriated to pay for the costs of the Nurses Health Program.~~

8 SECTION 2. THE STATE BOARD OF NURSING, IN CONJUNCTION WITH <—
9 THE COMMISSIONER, SHALL DETERMINE THE COST TO BE ALLOCATED FROM
10 THE STATE BOARD OF NURSING ANNUAL FEES FOR PAYMENT OF THE NURSE
11 HEALTH PROGRAM.

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