

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1253 Session of
2007

INTRODUCED BY SOLOBAY, SEIP, BELFANTI, CAPPELLI, CREIGHTON,
DALEY, EACHUS, FREEMAN, GEIST, GRUCELA, JOSEPHS, KIRKLAND,
MURT, PETRONE, SAYLOR, SIPTROTH, KULA, EVERETT, GIBBONS,
KORTZ, PALLONE, JAMES AND THOMAS, MAY 10, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 19, 2007

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 providing for scope of practice for certified registered
9 nurse practitioners and for prescriptive authority for <—
10 certified registered nurse practitioners; repealing
11 provisions relating to drug review committee; and providing
12 for collaborative and written agreements.; AND PROVIDING FOR <—
13 PROFESSIONAL LIABILITY.

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

16 ~~Section 1. Sections 8.2 and 8.3 of the act of May 22, 1951~~ <—
17 ~~(P.L.317, No.69), known as The Professional Nursing Law, amended~~
18 ~~December 9, 2002 (P.L.1567, No.206), are amended to read:~~

19 SECTION 1. SECTION 8.2 OF THE ACT OF MAY 22, 1951 (P.L.317, <—
20 NO.69), KNOWN AS THE PROFESSIONAL NURSING LAW, ADDED DECEMBER 9,
21 2002 (P.L.1567, NO.206), IS AMENDED TO READ:

22 Section 8.2. Scope of Practice for Certified Registered

1 Nurse Practitioners.--(a) A certified registered nurse
2 practitioner while functioning in the expanded role as a
3 professional nurse shall practice within the scope of practice
4 of the particular clinical specialty area in which the nurse is
5 certified by the board.

6 (b) A certified registered nurse practitioner may perform
7 acts of medical diagnosis in collaboration with a physician and
8 in accordance with regulations promulgated by the board.

9 (c) [A] Except as provided in subsection (c.1), a certified
10 registered nurse practitioner may prescribe medical therapeutic
11 or corrective measures if the nurse is acting in accordance with
12 the provisions of section [8.3] 8.3(a). <—

13 (c.1) Except as limited by the scope of an individual's <—
14 specialty certification or in a collaborative or written
15 agreement, and in addition to existing authority, a certified
16 registered nurse practitioner shall have authority to do all of
17 the following:

18 (1) Order home health and hospice care.

19 (2) Order durable medical equipment.

20 (3) Issue oral orders under the same conditions and in the
21 same facilities as physicians are permitted to do.

22 (4) Perform and sign workers compensation physicals.

23 (5) Perform physical therapy and dietitian referrals.

24 (6) Order respiratory or occupational therapy.

25 (7) Perform disability assessments for the program providing
26 Temporary Assistance to Needy Families (TANF).

27 (8) Perform and sign methadone treatment evaluations.

28 (9) Perform and sign cosmetology license physicals.

29 (10) Issue home schooling certifications.

30 (11) Take medical histories.

~~(12) Perform and sign physical or psychiatric examinations.~~
~~(13) Provide acute illness, minor injury or chronic disease management care.~~

~~(14) Perform other similar activities.~~

~~(15) Make commitments under the act of July 9, 1976 (P.L.817, No.143), known as the "Mental Health Procedures Act."~~

(C.1) EXCEPT AS LIMITED BY SUBSECTION (C.2), AND IN ADDITION
TO EXISTING AUTHORITY, A CERTIFIED REGISTERED NURSE PRACTITIONER
SHALL HAVE AUTHORITY TO DO ALL OF THE FOLLOWING, PROVIDED THAT
THE CERTIFIED NURSE PRACTITIONER IS ACTING WITHIN THE SCOPE OF
THE CERTIFIED REGISTERED NURSE PRACTITIONER'S COLLABORATIVE OR
WRITTEN AGREEMENT WITH A PHYSICIAN AND THE CERTIFIED REGISTERED
NURSE PRACTITIONER'S SPECIALTY CERTIFICATION:

(1) ORDER HOME HEALTH AND HOSPICE CARE.

(2) ORDER DURABLE MEDICAL EQUIPMENT.

(3) ISSUE ORAL ORDERS TO THE EXTENT PERMITTED BY THE HEALTH
CARE FACILITIES' BY-LAWS, RULES, REGULATIONS OR ADMINISTRATIVE
POLICIES AND GUIDELINES.

(4) MAKE PHYSICAL THERAPY AND DIETITIAN REFERRALS.

(5) ORDER RESPIRATORY OR OCCUPATIONAL THERAPY.

(6) PERFORM DISABILITY ASSESSMENTS FOR THE PROGRAM PROVIDING
TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF).

(7) ISSUE HOME BOUND SCHOOLING CERTIFICATIONS.

(8) PERFORM AND SIGN INITIAL ASSESSMENT OF METHADONE
TREATMENT EVALUATIONS, PROVIDED THAT ANY ORDER FOR METHADONE
TREATMENT SHALL BE MADE ONLY BY A PHYSICIAN.

(C.2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(1) SUPERSEDE THE AUTHORITY OF THE DEPARTMENT OF HEALTH AND
THE DEPARTMENT OF PUBLIC WELFARE TO REGULATE THE TYPES OF HEALTH
CARE PROFESSIONALS WHO ARE ELIGIBLE FOR MEDICAL STAFF MEMBERSHIP

1 OR CLINICAL PRIVILEGES.

2 (2) RESTRICT THE AUTHORITY OF A HEALTH CARE FACILITY TO
3 DETERMINE THE SCOPE OF PRACTICE AND SUPERVISION OR OTHER
4 OVERSIGHT REQUIREMENTS FOR HEALTH CARE PROFESSIONALS PRACTICING
5 WITHIN THE FACILITY.

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

10 ~~Section 8.3.—Prescriptive Authority for Certified Registered~~ <—
11 ~~Nurse Practitioners.—(a) A certified registered nurse~~
12 ~~practitioner 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) is acting in collaboration with a physician as set forth~~
18 ~~in a written agreement which shall, at a minimum, identify the~~
19 ~~following:~~

20 ~~(i) the area of practice in which the nurse is certified;~~

21 ~~(ii) the categories of drugs from which the nurse may~~
22 ~~prescribe or dispense; and~~

23 ~~(iii) the circumstances and how often the collaborating~~
24 ~~physician will personally see the patient; and~~

25 ~~(3) is acting in accordance with regulations promulgated by~~
26 ~~the board.~~

27 ~~[(b) A certified registered nurse practitioner who satisfies~~
28 ~~the requirements of subsection (a) may prescribe and dispense~~
29 ~~those categories of drugs that certified registered nurse~~
30 ~~practitioners were authorized to prescribe and dispense by board~~

~~regulations in effect on the effective date of this section,
subject to the restrictions on certain drug categories imposed
by those regulations. The board shall add to or delete from the
categories of authorized drugs in accordance with the provisions
of section 8.4.]~~

~~(b.1) A certified registered nurse practitioner shall be
limited by the scope of his specialty certification or in a
collaborative or written agreement when prescribing any drug and
shall comply with the requirements set forth in subsection (a).~~

~~(c) Except as provided in subsection (b), a certified
registered nurse practitioner shall not be limited in
prescribing any drug, including a controlled substance on
Schedules II through V, nor shall there be any limit on the
number of refills or dosages except as may be provided under
Federal law, except that the certified registered nurse
practitioner shall use his own Drug Enforcement Administration
number and not that of any collaborating physician in writing
the prescription.~~

~~Section 2. Section 8.4 of the act, added December 9, 2002
(P.L.1567, No.206), is repealed:~~

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

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

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

~~(3) Two licensed physicians who are actively engaged in~~

~~clinical practice, appointed to three year terms by the Secretary of Health, at least one of whom shall, at the time of appointment, be collaborating with one or more certified registered nurse practitioners in accordance with section 8.3(a)(2).~~

~~(4) Two licensed pharmacists who are actively engaged in the practice of pharmacy, appointed to three year terms by the Secretary of Health.~~

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

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

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

~~Section 3. The act is amended by adding sections to read:~~

~~Section 8.5. Collaborative and Written Agreements. (a) There shall be no limit to the number of certified registered nurse practitioners with prescriptive authority for whom a physician has responsibility or supervises under a collaborative or written agreement at any time.~~

~~(b) Collaborative and written agreements shall not~~

1 ~~unreasonably restrict any certified registered nurse~~
2 ~~practitioner's ability to practice to the fullest extent~~
3 ~~permitted by his scope of practice, clinical education and~~
4 ~~experience.~~

5 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

6 ~~Section 8.6~~ 8.5. Professional Liability.--A certified <—
7 registered nurse practitioner practicing in this Commonwealth
8 ~~whose employer does not provide professional liability coverage~~ <—
9 ~~shall maintain a level of professional liability coverage~~
10 ~~required by law of a physician providing similar health care~~
11 ~~services in this Commonwealth~~ SHALL MAINTAIN A LEVEL OF <—
12 PROFESSIONAL LIABILITY COVERAGE AS REQUIRED FOR A
13 NONPARTICIPATING HEALTH CARE PROVIDER UNDER THE ACT OF MARCH 20,
14 2002 (P.L.154, NO.13), KNOWN AS THE MEDICAL CARE AVAILABILITY
15 AND REDUCTION OF ERROR (MCARE) ACT, but shall not be eligible to
16 participate in the Medical Care Availability and Reduction of
17 Error (Mcare) Fund.

18 ~~Section 4. The State Board of Nursing shall promulgate~~ <—

19 SECTION 3. THE STATE BOARD OF NURSING AND THE DEPARTMENT OF <—
20 HEALTH SHALL PROMULGATE regulations to implement the amendment, <—
21 ~~addition or repeal~~ OR ADDITION of sections 8.2, ~~8.3, 8.4, 8.5~~ <—
22 ~~and 8.6~~ AND 8.5 of the act within 18 months of the effective <—
23 date of this section.

24 Section 5 4. This act shall take effect in 60 days. <—