

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1255 Session of
2007

INTRODUCED BY WATERS, MYERS, JOSEPHS, BLACKWELL, EACHUS,
MANDERINO, PASHINSKI, SOLOBAY, FREEMAN, KULA, LEACH, MURT,
EVERETT, CONKLIN, GIBBONS, KORTZ, PICKETT, STABACK, JAMES,
SHAPIRO, CALTAGIRONE, CURRY AND SIPTROTH, MAY 10, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JULY 10, 2007

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," PROVIDING FOR THE DEFINITION OF "LEGEND <—
10 DRUG"; AND further providing for nurse-midwife license.

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

13 ~~Section 1. Section 35 of the act of December 20, 1985 <—~~
14 ~~(P.L.457, No.112), known as the Medical Practice Act of 1985, is~~
15 ~~amended by adding a subsection to read:~~

16 SECTION 1. SECTION 2 OF THE ACT OF DECEMBER 20, 1985 <—
17 (P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, IS
18 AMENDED BY ADDING A DEFINITION TO READ:

19 SECTION 2. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

1 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 * * *

4 "LEGEND DRUG." A DRUG:

5 (1) LIMITED BY THE FEDERAL FOOD, DRUG AND COSMETIC ACT
6 (52 STAT. 1040, 21 U.S.C. § 301 ET SEQ.) TO BEING DISPENSED
7 BY PRESCRIPTION; AND

8 (2) THE PRODUCT LABEL OF WHICH IS REQUIRED TO CONTAIN
9 THE FOLLOWING STATEMENT: "CAUTION: FEDERAL LAW PROHIBITS
10 DISPENSING WITHOUT A PRESCRIPTION."

11 * * *

12 SECTION 2. SECTION 35 OF THE ACT IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 Section 35. Nurse-midwife license.

15 * * *

16 (c) Authorization.--

17 (1) A nurse-midwife NURSE-MIDWIFE is authorized to <—
18 practice midwifery pursuant to a collaborative agreement with
19 a physician and regulations promulgated by the board.

20 (2) A nurse-midwife NURSE-MIDWIFE may, consistent with <—
21 the midwife's academic educational preparation WHO POSSESSES <—
22 A MASTER'S DEGREE OR ITS SUBSTANTIAL EQUIVALENT and national <—
23 certification MAY prescribe, dispense, order and administer <—
24 drugs, including legend drugs and Schedule II through
25 Schedule V controlled substances, AS DEFINED IN THE ACT OF <—
26 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
27 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, provided that the
28 midwife NURSE-MIDWIFE demonstrates to the board that: <—

29 (i) The nurse-midwife NURSE-MIDWIFE has successfully <—
30 completed at least 45 hours of coursework specific to

1 advanced pharmacology at a level above that required by a
2 professional nursing education program.

3 (ii) As a condition of biennial license renewal by
4 the board, a ~~nurse-midwife~~ NURSE-MIDWIFE shall complete <—
5 the continuing education requirement as required by the
6 act of May 22, 1951 (P.L.317, No.69), known as The
7 Professional Nursing Law. In case of a ~~nurse-midwife~~ <—
8 NURSE-MIDWIFE who has prescriptive authority under this <—
9 act, the continuing education required by The
10 Professional Nursing Law, shall include at least 16 hours
11 in pharmacology in that two-year period.

12 (iii) The ~~nurse-midwife~~ NURSE-MIDWIFE acts in <—
13 accordance with a collaborative agreement with a
14 physician which shall at a minimum identify the
15 categories of drugs from which the ~~nurse-midwife~~ NURSE- <—
16 MIDWIFE may prescribe or dispense and the drugs which
17 require referral, consultation or comanagement.

18 (iv) The ~~nurse-midwife~~ NURSE-MIDWIFE acts in <—
19 accordance with the following restrictions:

20 (A) A ~~nurse-midwife~~ NURSE-MIDWIFE shall not <—
21 prescribe, dispense, order or administer a controlled
22 substance except for a woman's acute pain. In the
23 case of a Schedule II controlled substance, the dose
24 shall be limited to 72 hours and shall not be
25 extended except with the approval of the
26 collaborating physician. In the case of a Schedule
27 III or IV controlled substance, the prescription
28 shall be limited to 30 days and shall only be
29 refilled with the approval of the collaborating
30 physician.

1 (B) A nurse-midwife NURSE-MIDWIFE shall <—
2 prescribe, dispense, order or administer psychotropic
3 drugs only after consulting with the collaborating
4 physician.

5 (3) A nurse-midwife NURSE-MIDWIFE may, in accordance <—
6 with a collaborative agreement with a physician and
7 consistent with the midwife's NURSE-MIDWIFE'S academic <—
8 educational preparation and national certification,
9 prescribe, dispense, order and administer:

10 (i) Medical devices.

11 (ii) Immunizing agents.

12 (iii) Laboratory tests.

13 (iv) Therapeutic, diagnostic and preventative
14 measures.

15 (d) Collaborative agreements.--The physician with whom a
16 nurse-midwife NURSE-MIDWIFE has a collaborative agreement shall <—
17 have hospital clinical privileges in the specialty area of the
18 care for which the physician is providing collaborative
19 services.

20 Section 2 3. The State Board of Medicine shall promulgate <—
21 regulations to implement the amendment of section 35 of the act
22 within 12 months of the effective date of this act. The board
23 shall report every three months on the status of the regulations
24 to the Consumer Protection and Professional Licensure Committee
25 of the Senate and the Professional Licensure Committee of the
26 House of Representatives.

27 Section 3 4. This act shall take effect in 60 days. <—