
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 820 Session of
2017

INTRODUCED BY COX, BARRAR, BENNINGHOFF, BIZZARRO, BOBACK,
D. COSTA, CUTLER, DIGIROLAMO, DRISCOLL, FREEMAN, GABLER,
JAMES, KORTZ, McNEILL, RADER, SAYLOR, WARD, WHEELAND, NESBIT,
ENGLISH, MALONEY, MURT AND DeLISSIO, MARCH 21, 2017

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 21, 2017

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," providing
8 for delegation of functions necessary for the support of
9 nursing services.

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

12 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,
13 No.69), known as The Professional Nursing Law, is amended by
14 adding a definition to read:

15 Section 2. Definitions.--When used in this act, the
16 following words and phrases shall have the following meanings
17 unless the context provides otherwise:

18 * * *

19 (16) "Delegate" or "delegation" means the transfer of
20 responsibility for the performance of a function from the

1 registered nurse to another individual who may or may not be a
2 health care practitioner, licensed or unlicensed, while
3 retaining accountability for the outcome.

4 Section 2. The act is amended by adding a section to read:

5 Section 4.2. Delegation of Functions.--(a) A registered
6 nurse may delegate if all of the following conditions are met:

7 (1) The delegation is consistent with the scope and
8 standards of acceptable nursing practice as defined by license
9 or certificate or otherwise authorized by law.

10 (2) The delegation is not prohibited by statute or
11 regulation, including regulations promulgated by the Board.

12 (3) The registered nurse has no knowledge that the
13 individual to whom the function is being delegated does not have
14 the requisite education, training, experience and continued
15 competency to safely perform the delegated function.

16 (4) The registered nurse has determined that the delegation
17 does not create an undue risk to the patient.

18 (b) A registered nurse shall be responsible for the
19 delegated function in accordance with subsection (a). A
20 registered nurse's responsibility for the delegated function is
21 not limited by any provisions of this section.

22 (c) A registered nurse may not delegate a function that:

23 (1) the registered nurse knows or should know is beyond the
24 validated competencies of the individual to whom the function is
25 being delegated; or

26 (2) the registered nurse is not educated, trained and
27 competent to perform.

28 (d) No employer may require a registered nurse to delegate,
29 nor shall an employer be permitted to retaliate against a
30 registered nurse for refusal to delegate.

1 (e) Nothing in this section may be construed as:

2 (1) Limiting the authority of a physician to delegate as
3 contained within the act of December 20, 1985 (P.L.457, No.112),
4 known as the "Medical Practice Act of 1985."

5 (2) Determining that a registered nurse, when engaged in
6 delegation, is a supervisor under State law.

7 (f) Within one hundred eighty (180) days of the effective
8 date of this section, the board shall promulgate regulations
9 that establish criteria pursuant to which a registered nurse may
10 delegate the performance of functions.

11 (g) Within thirty (30) days after the effective date of this
12 subsection, the Secretary of State shall establish an advisory
13 committee as follows:

14 (1) The advisory committee shall consist of at least ten
15 (10) members appointed by the Secretary of State, the majority
16 of whom must be registered nurses actively engaged in direct
17 patient care. The registered nurse members must represent
18 professional associations for registered nurses and an equal
19 number must represent unions whose members are employed as
20 registered nurses.

21 (2) The sole function of the advisory committee shall be to
22 provide recommendations to the board on delegation of functions
23 by registered nurses.

24 (3) Members of the advisory committee shall receive no
25 compensation for their services.

26 (4) The advisory committee shall meet at the request of the
27 Secretary of State.

28 (5) The advisory committee shall terminate upon the
29 effective date of the regulations promulgated under subsection
30 (f).

1 Section 3. This act shall take effect as follows:

2 (1) The following provisions shall take effect
3 immediately:

4 (i) This section.

5 (ii) The addition of section 4.2(f) and (g) of the
6 act.

7 (2) The remainder of this act shall take effect on the
8 effective date of the regulations promulgated under section
9 4.2(f) of the act.