

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 25 Session of 2019

INTRODUCED BY BARTOLOTTA, BOSCOLA, SCARNATI, LANGERHOLC, FOLMER, BREWSTER, FONTANA, HUTCHINSON, STEFANO, SCHWANK, J. WARD, COLLETT, BLAKE, HAYWOOD, LEACH, SCAVELLO, YUDICHAK, LAUGHLIN, HUGHES, BAKER, STREET, ARGALL, A. WILLIAMS, FARNESE, MENSCH, SABATINA, COSTA, L. WILLIAMS, TARTAGLIONE, KEARNEY AND MUTH, FEBRUARY 27, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, MARCH 27, 2019

AN ACT

1 Amending the act of May 22, 1951 (P.L.317, No.69), entitled "An
2 act relating to the practice of professional nursing;
3 providing for the licensing of nurses and for the revocation
4 and suspension of such licenses, subject to appeal, and for
5 their reinstatement; providing for the renewal of such
6 licenses; regulating nursing in general; prescribing
7 penalties and repealing certain laws," further providing for
8 title, for definitions, for State Board of Nursing, for
9 dietitian-nutritionist license required, for unauthorized
10 practices and acts not prohibited, for temporary practice
11 permit, for graduates of schools of other states, territories
12 or Dominion of Canada, for persons entitled to practice, for
13 certified registered nurse practitioners and qualifications,
14 for scope of practice for certified registered nurse
15 practitioners, for prescriptive authority for certified
16 registered nurse practitioners, for Drug Review Committee,
17 for professional liability, for reporting of multiple
18 licensure, for continuing nursing education, for punishment
19 for violations, for refusal, suspension or revocation of
20 license, for reinstatement of license and for injunction or
21 other process; and providing for the expiration of the State
22 Board of Nursing's power to license certified registered
23 nurse practitioners.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. The title of the act of May 22, 1951 (P.L.317,

1 No.69), known as The Professional Nursing Law, is amended to  
2 read:

3 AN ACT

4 Relating to the practice of professional nursing and the  
5 practice of advanced practice registered nursing; providing  
6 for the licensing of nurses and for the revocation and  
7 suspension of such licenses, subject to appeal, and for their  
8 reinstatement; providing for the renewal of such licenses;  
9 regulating nursing in general; prescribing penalties and  
10 repealing certain laws.

11 Section 2. Section 2(1), (10), (12), (13) and (14) of the  
12 act are amended and the section is amended by adding paragraphs  
13 to read:

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

17 (1) The "Practice of Professional Nursing" means diagnosing  
18 and treating human responses to actual or potential health  
19 problems through such services as casefinding, health teaching,  
20 health counseling, and provision of care supportive to or  
21 restorative of life and well-being, and executing medical  
22 regimens as prescribed by a licensed physician or dentist. The  
23 foregoing shall not be deemed to include acts of medical  
24 diagnosis or prescription of medical therapeutic or corrective  
25 measures, except as performed by [a certified registered nurse  
26 practitioner] an advanced practice registered nurse-certified  
27 nurse practitioner acting in accordance with rules and  
28 regulations promulgated by the Board.

29 \* \* \*

30 (10) "Medical nutrition therapy" means the component of

1 nutrition therapy that concerns determining and recommending  
2 nutrient needs based on nutritional assessment and medical  
3 problems relative to diets prescribed by a licensed physician or  
4 an advanced practice registered nurse-certified nurse

5 practitioner, including:

6 (i) tube feedings;

7 (ii) specialized intravenous solutions;

8 (iii) specialized oral solutions; and

9 (iv) interactions of prescription drugs with food or

10 nutrients.

11 \* \* \*

12 [(12) "Certified registered nurse practitioner" means a  
13 registered nurse licensed in this Commonwealth who is certified  
14 by the board in a particular clinical specialty area.]

15 (13) "Collaboration" means a process in which [a certified  
16 registered nurse practitioner] an advanced practice registered  
17 nurse-certified nurse practitioner works with one or more  
18 physicians to deliver health care services within the scope of  
19 the [certified registered nurse practitioner's] advanced  
20 practice registered nurse-certified nurse practitioner's  
21 expertise. The process includes all of the following:

22 (i) Immediate availability of a licensed physician to [a  
23 certified registered nurse practitioner] an advanced practice  
24 registered nurse-certified nurse practitioner through direct  
25 communications or by radio, telephone or telecommunications.

26 (ii) A predetermined plan for emergency services.

27 (iii) A physician available to [a certified registered nurse  
28 practitioner] an advanced practice registered nurse-certified  
29 nurse practitioner on a regularly scheduled basis for referrals,  
30 review of the standards of medical practice incorporating

1 consultation and chart review, drug and other medical protocols  
2 within the practice setting, periodic updating in medical  
3 diagnosis and therapeutics and cosigning records when necessary  
4 to document accountability by both parties.

5 [(14) "Drug Review Committee" means the committee  
6 established in section 8.4 whose function is to approve or  
7 disapprove, by addition or deletion, the categories of drugs  
8 that may be prescribed by certified registered nurse  
9 practitioners.]

10 \* \* \*

11 (16) "Advanced practice registered nurse-certified nurse  
12 practitioner" means a registered nurse licensed in this  
13 Commonwealth to practice independently in a population focus  
14 area in which the registered nurse is certified by a board-  
15 recognized national certification program.

16 (17) "Population focus area" means a category of patients  
17 for which an advanced practice registered nurse-certified nurse  
18 practitioner has the educational preparation to provide care and  
19 services. The categories of population focus include:

20 (i) Family and individuals across the lifespan.

21 (ii) Adult gerontology.

22 (iii) Neonatal.

23 (iv) Pediatrics.

24 (v) Women's health and gender-related health.

25 (vi) Psychiatric and mental health.

26 ~~(vii) Any other similar area designated by the board.~~

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27 (18) "Controlled substance" means a drug designated as a  
28 controlled substance under the act of April 14, 1972 (P.L.233,  
29 No.64), known as "The Controlled Substance, Drug, Device and  
30 Cosmetic Act."

1 (19) "Nonproprietary drug" means a drug containing a  
2 quantity of a controlled substance or a drug which is required  
3 by an applicable Federal or State law to be dispensed only by  
4 prescription.

5 (20) "Proprietary drug" means a nonprescription, non-  
6 narcotic medicine or drug which may be sold without a  
7 prescription and which is prepackaged for use by the consumer  
8 and labeled in accordance with the requirements of the statutes  
9 and regulations of the Federal Government and the Commonwealth.

10 (21) "Licensed independent practitioner" means an advanced  
11 practice registered nurse-certified nurse practitioner licensed  
12 under section 8.1(j) or (l) to provide care and services,  
13 without direction or supervision, within the scope of the  
14 practitioner's license.

15 (22) "Practice of Advanced Practice Registered Nursing"  
16 means the practice of an advanced practice registered nurse-  
17 certified nurse practitioner to assess, diagnose, treat,  
18 prescribe and order, within a population focus AREA approved by <--  
19 the board of nursing that includes the advanced practice <--  
20 registered nurse-certified nurse practitioner's scope of  
21 practice. The term shall include, but not be limited to,  
22 performing acts of medical diagnosis or prescription of medical  
23 therapeutic or corrective measures.

24 Section 3. Sections 2.1(k) and (l), 3.1(b), 4, 4.1, 7(b), 8,  
25 8.1, 8.2, 8.3, 8.4, 8.7, 11.1, 12.1(g) (1), 13(b), 14(a) (1), (2)  
26 and (4) and (b) (6), 15.2 and 15.4 of the act are amended to  
27 read:

28 Section 2.1. State Board of Nursing.--\* \* \*

29 (k) The Board shall have the right and duty to establish  
30 rules and regulations for the practice of professional nursing,

1 the practice of advanced practice registered nursing, the  
2 practice of dietetics-nutrition and the administration of this  
3 act. Copies of such rules and regulations shall be available for  
4 distribution to the public.

5 (1) Any powers and duties imposed on the State Board of  
6 Medicine or jointly imposed on the State Board of Medicine and  
7 the State Board of Nursing, with respect to [certified  
8 registered nurse practitioners] advanced practice registered  
9 nurse-certified nurse practitioners, by or pursuant to law or  
10 regulation shall, after the effective date of this subsection,  
11 be exercised solely by the State Board of Nursing. This  
12 subsection shall not apply to 49 Pa. Code §§ 21.283(4) (relating  
13 to prescribing and dispensing drugs) and 21.321 (relating to  
14 performance of tasks without direction; performance of tasks  
15 without training; other) unless the State Board of Nursing  
16 promulgates a regulation to exercise the duties imposed on the  
17 State Board of Medicine by those sections.

18 Section 3.1. Dietitian-Nutritionist License Required.--\* \* \*

19 (b) Nothing in this section shall be construed to require or  
20 preclude third-party insurance reimbursement. Nothing herein  
21 shall preclude an insurer or other third-party payor from  
22 requiring that a licensed dietitian-nutritionist obtain a  
23 referral from a licensed physician, an advanced practice  
24 registered nurse-certified nurse practitioner, a dentist or  
25 podiatrist or that a licensed dietitian-nutritionist file an  
26 evaluation and treatment plan with the insurer or third-party  
27 payor as a precondition of reimbursement.

28 Section 4. Unauthorized Practices; Acts not Prohibited.--  
29 This act confers no authority to practice dentistry, podiatry,  
30 optometry, chiropractic, medicine or surgery, nor does it

1 prohibit--

2 (1) Home care of the sick by friends, domestic servants,  
3 nursemaids, companions, or household aides of any type, so long  
4 as such persons do not represent or hold themselves out to be  
5 licensed nurses, licensed registered nurses, or registered  
6 nurses; or use in connection with their names, any designation  
7 tending to imply that they are licensed to practice under the  
8 provisions of this act nor services rendered by any physicians,  
9 osteopaths, dentists or chiropractors, podiatrists,  
10 optometrists, or any person licensed pursuant to the act of  
11 March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse  
12 Law."

13 (2) Care of the sick, with or without compensation or  
14 personal profit, when done solely in connection with the  
15 practice of the religious tenets of any church by adherents  
16 thereof.

17 (3) The practice of professional nursing or the practice of  
18 advanced practice registered nursing by a person temporarily in  
19 this Commonwealth licensed by another state, territory or  
20 possession of the United States or a foreign country, in  
21 compliance with an engagement made outside of this Commonwealth,  
22 which engagement requires that such person accompany and care  
23 for a patient while temporarily in this Commonwealth: Provided,  
24 however, That said engagement shall not be of more than six (6)  
25 months' duration.

26 (4) The practice of professional nursing or the practice of  
27 advanced practice registered nursing, pursuant to a temporary  
28 practice permit, by a graduate of an approved program of  
29 professional nursing in Pennsylvania or any other state, working  
30 under qualified supervision, during the period not to exceed one

1 (1) year between completion of his or her program and  
2 notification of the results of a licensing examination taken by  
3 such person, and during such additional period as the Board may  
4 in each case especially permit.

5 (5) The practice of professional nursing or the practice of  
6 advanced practice registered nursing, pursuant to a temporary  
7 practice permit, by a person who holds a current license or  
8 other evidence of the right to practice professional nursing[,  
9 as that term is defined in this act,] or to practice of advanced  
10 practice registered nursing issued by any other state, territory  
11 or possession of the United States or the Dominion of Canada,  
12 during the period that an application filed by such person for  
13 licensure in Pennsylvania is pending before the Board, but not  
14 for a period of more than one (1) year and during such  
15 additional period as the Board may in each case especially  
16 permit.

17 (6) The practice of professional nursing[, within the  
18 definition of this act] or the practice of advanced practice  
19 registered nursing, by any person when such person is engaged in  
20 the practice [of nursing] as an employee of the United States.

21 Section 4.1. Temporary Practice Permit.--(a) In order for a  
22 person to practice professional nursing or to practice advanced  
23 practice registered nursing during the one (1) year period from  
24 completion of his or her education program or the one (1) year  
25 period from the application for licensure by a person who holds  
26 a current license issued by any other state, territory or  
27 possession of the United States or the Dominion of Canada, the  
28 Board may issue a temporary practice permit which is  
29 nonrenewable and valid for a period of one (1) year and during  
30 such additional period as the Board may in each case especially

1 permit, except that the temporary practice permit shall expire  
2 if such person fails the licensing examination.

3 (b) Within ninety (90) days of the date a temporary practice  
4 permit to practice as an advanced practice registered nurse-  
5 certified nurse practitioner is issued by the Board to an  
6 individual who was licensed or certified by another state,  
7 territory or possession of the United States or a foreign  
8 country, the individual shall comply with the requirements under  
9 sections 8.2 and 8.3 with regard to acting in collaboration with  
10 a physician and in accordance with a collaborative or written  
11 agreement with a physician, unless the individual qualifies for  
12 the exception from the collaboration requirement according to  
13 the Board under section 8.1(1).

14 Section 7. Graduates of Schools of Other States, Territories  
15 or Dominion of Canada.--\* \* \*

16 (b) The Board may issue a [certification to registered nurse  
17 practitioners who have] license as an advanced practice  
18 registered nurse-certified nurse practitioner to a registered  
19 nurse who has completed a course of study considered by the  
20 Board to be equivalent to that required in this State at the  
21 time such course was completed or who is licensed or certified  
22 by another state, territory or possession of the United States  
23 or a foreign country as deemed equivalent to Pennsylvania's  
24 [certification] licensure requirements in accordance with the  
25 [joint] rules and regulations of the [Boards of Nursing and  
26 Medicine] Board.

27 \* \* \*

28 Section 8. Persons Entitled to Practice.--(a) The Board  
29 shall issue to each person who meets the professional nursing  
30 licensure requirements of this act, a certificate setting forth

1 that such person is licensed to engage in the practice of  
2 professional nursing and entitled to use the title "registered  
3 nurse" and the letters "R.N."

4 (b) The Board shall issue to each person who meets the  
5 dietitian-nutritionist licensure requirements of this act a  
6 certificate setting forth that such person is licensed as a  
7 dietitian-nutritionist and entitled to use the title "licensed  
8 dietitian-nutritionist" and the letters "L.D.N." A record of  
9 [all persons] each person licensed as [dietitian-nutritionists]  
10 a dietitian-nutritionist in this Commonwealth shall be kept in  
11 the office of the Board and shall be open to public inspection  
12 and copying upon payment of a nominal fee for copying the  
13 record.

14 (c) The Board shall issue to each person who meets the  
15 advanced practice registered nurse-certified nurse practitioner  
16 licensure requirements of this act a certificate setting forth  
17 that such person is licensed as an advanced practice registered  
18 nurse-certified nurse practitioner and entitled to use the title  
19 "advanced practice registered nurse-certified nurse  
20 practitioner" and the letters "APRN-CNP." A record of each  
21 person licensed as an advanced practice registered nurse-  
22 certified nurse practitioner in this Commonwealth shall be kept  
23 in the office of the Board and shall be open to public  
24 inspection and copying upon payment of a nominal fee for copying  
25 the record.

26 Section 8.1. [Certified Registered Nurse Practitioners;  
27 Qualifications.--(a) The board may certify a licensed  
28 registered nurse as a certified registered nurse practitioner in  
29 a particular clinical specialty area if the nurse satisfies the  
30 requirements established by this act and regulations promulgated

1 by the board. Certification of a nurse by the board shall expire  
2 on the same date as the license of that nurse expires.

3 (b) (1) Beginning on the effective date of this section, a  
4 nurse shall not qualify for initial certification by the board  
5 under subsection (a) unless the nurse:

6 (i) is a graduate of an accredited, board-approved master's  
7 or post-master's nurse practitioner program; and

8 (ii) holds certification as a certified registered nurse  
9 practitioner from a board-recognized national certification  
10 organization which required passing of a national certifying  
11 examination in the particular clinical specialty area in which  
12 the nurse is seeking certification by the board.

13 (2) This subsection shall not apply to a nurse who:

14 (i) holds certification from the board as a certified  
15 registered nurse practitioner on the effective date of this  
16 subsection; or

17 (ii) would otherwise qualify for certification as a  
18 certified registered nurse practitioner under section 7(b).

19 (3) In order to provide a transition period for persons who  
20 completed or were enrolled in an approved educational program on  
21 the effective date of this section and to permit those persons  
22 to apply for certification under the rules in existence  
23 immediately prior to the effective date of this section, the  
24 board shall issue initial certification to any person who,  
25 within two (2) years of the effective date of this section:

26 (i) submits evidence of having completed or been enrolled in  
27 an approved educational program on the effective date of this  
28 section; and

29 (ii) fulfills all administrative requirements of the board  
30 and possesses all of the other qualifications for certification

1 in effect immediately prior to the effective date of this  
2 section.

3 (c) As a condition for biennial renewal of certification by  
4 the board, a certified registered nurse practitioner must, in  
5 the two (2) years prior to renewal, complete at least thirty  
6 (30) hours of continuing education approved by the board. In the  
7 case of a certified registered nurse practitioner who is  
8 prescribing medical therapeutic or corrective measures pursuant  
9 to section 8.3, that continuing education must include at least  
10 sixteen (16) hours in pharmacology in that two-year period.]

11 Advanced Practice Registered Nurse-Certified Nurse  
12 Practitioner.--(d) A registered nurse who holds current  
13 certification by the board on the effective date of this  
14 subsection as a certified registered nurse practitioner in a  
15 population focus area on the effective date of this subsection  
16 shall automatically be deemed to be licensed by the board as an  
17 advanced practice registered nurse-certified nurse practitioner  
18 in the population focus area for which the registered nurse is  
19 otherwise qualified. The board shall issue appropriate written  
20 notice of the license as an advanced practice registered nurse-  
21 certified nurse practitioner, except that the issuance of that  
22 notice shall not be a condition precedent to practice in  
23 accordance with the license.

24 (e) Except as provided in subsection (d), an individual  
25 shall not qualify for an initial license as an advanced practice  
26 registered nurse-certified nurse practitioner on or after the  
27 effective date of this subsection unless the person meets the  
28 following criteria:

29 (1) Holds a current license in this Commonwealth as a  
30 registered nurse.

1 (2) Is a graduate of an accredited, board-approved master's  
2 or post-master's nurse practitioner or doctorate in nursing  
3 program.

4 (3) Holds current certification as an advanced practice  
5 registered nurse-certified nurse practitioner from a board-  
6 recognized national certification program which required passing  
7 a national certifying examination in a population focus area or  
8 population focus area in which the nurse is seeking licensure by  
9 the board.

10 (f) (1) An initial license under subsection (d) as an  
11 advanced practice registered nurse-certified nurse practitioner  
12 shall expire on the same date as the nurse's then current  
13 license as a registered nurse is scheduled to expire. The  
14 license as an advanced practice registered nurse-certified nurse  
15 practitioner shall thereafter be renewed biennially on the same  
16 date as the nurse's license as a registered nurse.

17 (2) An initial license under subsection (d) or section 7(b)  
18 as an advanced practice registered nurse-certified nurse  
19 practitioner shall expire on the same date as the nurse's then  
20 current license as a registered nurse is scheduled to expire.  
21 The license as an advanced practice registered nurse-certified  
22 nurse practitioner shall thereafter be renewed biennially on the  
23 same date as the nurse's license as a registered nurse.

24 (3) As a condition for biennial renewal by the board of a  
25 license as an advanced practice registered nurse-certified nurse  
26 practitioner, the nurse must do all of the following:

27 (i) Maintain a current license in this Commonwealth as a  
28 registered nurse.

29 (ii) Maintain current certification through a board-  
30 recognized national certification program in the population

1 focus area in which the nurse is licensed as an advanced  
2 practice registered nurse-certified nurse practitioner by the  
3 board.

4 (iii) In the two (2) years prior to renewal, complete at  
5 least thirty (30) hours of continuing education approved by the  
6 board. For an advanced practice registered nurse-certified nurse  
7 practitioner who is prescribing medical therapeutic or  
8 corrective measures under section 8.3, the continuing education  
9 must include at least sixteen (16) hours in pharmacology in the  
10 two-year period.

11 (g) The board shall establish a procedure by which a license  
12 as an advanced practice registered nurse-certified nurse  
13 practitioner may be amended prior to the biennial renewal date  
14 in order to authorize a nurse to practice in a population focus  
15 area in which the nurse was not certified on the effective date  
16 of this subsection or on the date on which the nurse's current  
17 license as an advanced practice registered nurse-certified nurse  
18 practitioner was issued or renewed. The board shall authorize an  
19 advanced practice registered nurse-certified nurse practitioner  
20 to practice in an additional population focus area only if the  
21 nurse holds current certification from a board-recognized  
22 national certification program which requires the passing of a  
23 national certifying examination in the additional population  
24 focus area.

25 (h) (1) The use of the terms "certified registered nurse  
26 practitioner," "registered nurse practitioner," "certified nurse  
27 practitioner" and "nurse practitioner" in any other act shall be  
28 deemed to include a person licensed as a certified nurse  
29 practitioner under this section or section 7(b).

30 (2) A registered nurse who is licensed by the board as an

1 advanced practice registered nurse-certified nurse practitioner  
2 in a population focus area is entitled to use the title  
3 "advanced practice registered nurse-certified nurse  
4 practitioner" and the letters "APRN-CNP." It shall be unlawful  
5 for any other person to use the title "advanced practice  
6 registered nurse-certified nurse practitioner" or the letters  
7 "APRN-CNP."

8 (i) (1) An advanced practice registered nurse-certified  
9 nurse practitioner may form a professional corporation with one  
10 or more of the following:

11 (i) Other registered nurses.

12 (ii) Other health care practitioners who treat human  
13 ailments and conditions and are licensed to provide health care  
14 services in this Commonwealth without receiving a referral or  
15 supervision from another health care practitioner.

16 (2) This subsection shall be construed to abrogate the  
17 requirement that the State Board of Medicine and the State Board  
18 of Osteopathic Medicine expressly authorize the combined  
19 practice of advanced practice registered nurse-certified nurse  
20 practitioners with doctors of medicine or doctors of osteopathic  
21 medicine, respectively, found in 15 Pa.C.S. § 2903(d)(1)(ii)  
22 (relating to formation of professional corporations).

23 (j) An advanced practice registered nurse-certified nurse  
24 practitioner who has engaged in the practice of professional  
25 nursing in collaboration with a physician for a period of not  
26 less than three (3) years and not less than three thousand six  
27 hundred (3,600) hours in accordance with a collaborative or  
28 written agreement with a physician shall not be subject to the  
29 requirements under sections 8.2(b) and 8.3(a)(2)(i).

30 (k) An advanced practice registered nurse-certified nurse

1 practitioner who qualifies for the exception under subsection  
2 (j) shall file a form with the board attesting to having engaged  
3 in the practice of professional nursing in collaboration with a  
4 physician for a period of not less than three (3) years and not  
5 less than three thousand six hundred (3,600) hours. The form  
6 shall be developed by the board by regulation.

7 (l) A registered nurse who was licensed or certified by  
8 another state, territory or possession of the United States or a  
9 foreign country and received a license as an advanced practice  
10 registered nurse-certified nurse practitioner issued by the  
11 board or a temporary practice permit to practice as an advanced  
12 practice registered nurse-certified nurse practitioner under  
13 section 4.1 may qualify for the exception under subsection (j)  
14 if the advanced practice registered nurse-certified nurse  
15 practitioner satisfactorily demonstrates to the board the  
16 completion of no less than three (3) years and no less than  
17 three thousand six hundred (3,600) hours of practice in  
18 collaboration with a physician deemed equivalent to the  
19 requirements of subsection (j) which occurred in this  
20 Commonwealth or in one or more other states, territories or  
21 possessions of the United States or foreign countries where the  
22 advanced practice registered nurse-certified nurse practitioner  
23 was previously, or is currently, licensed.

24 (m) The advanced practice registered nurse practitioner is  
25 accountable to patients, the nursing profession and the board  
26 and shall:

27 (1) comply with the requirements of this chapter and the  
28 quality expectations of advanced nursing care rendered;

29 (2) recognize limits of knowledge and experience;

30 (3) plan for the management of situations beyond the

1 advanced practice registered nurse-certified nurse  
2 practitioner's expertise; and

3 (4) consult with or refer patients to other health care  
4 providers, as appropriate.

5 Section 8.2. Scope of Practice for [Certified Registered  
6 Nurse Practitioners] Advanced Practice Registered Nurse-

7 Certified Nurse Practitioners.--(a) [A certified registered  
8 nurse practitioner while functioning in the expanded role as a  
9 professional nurse] An advanced practice registered nurse-

10 certified nurse practitioner shall practice within the scope of  
11 practice of the [particular clinical specialty] population focus  
12 area in which the nurse is [certified] licensed by the board.

13 Notwithstanding any other provision of law, an advanced practice  
14 registered nurse-certified nurse practitioner who meets the  
15 requirements under section 8.1(j) or (l) is entitled to all of  
16 the following:

17 (1) To practice as a licensed independent practitioner  
18 within the scope of practice of a particular population focus  
19 area in which the nurse is licensed by the board.

20 (2) To be recognized as a primary care provider under  
21 managed care and other health care plans.

22 (b) [A certified registered] Except as provided under  
23 section 8.1(j) or (l), an advanced practice registered nurse-  
24 certified nurse practitioner may perform acts of medical  
25 diagnosis in collaboration with a physician and in accordance  
26 with regulations promulgated by the board.

27 (c) Except as provided in subsection (c.1), [a certified  
28 registered nurse] an advanced practice registered nurse-  
29 certified nurse practitioner may prescribe medical therapeutic  
30 or corrective measures if the nurse is acting in accordance with

1 the provisions of section 8.3.

2 (c.1) [Except as limited by subsection (c.2), and in] Except  
3 as provided for under section 8.1(j) or (l), in addition to  
4 existing authority, [a certified registered nurse] an advanced  
5 practice registered nurse-certified nurse practitioner shall  
6 have authority to do all of the following, provided that the  
7 [certified nurse practitioner] advanced practice registered  
8 nurse-certified nurse practitioner is acting within the scope of  
9 the [certified registered nurse] advanced practice registered  
10 nurse-certified nurse practitioner's collaborative or written  
11 agreement with a physician and the [certified registered nurse]  
12 advanced practice registered nurse-certified nurse  
13 practitioner's [specialty certification] population focus area:

14 (1) Order home health and hospice care.

15 (2) Order durable medical equipment.

16 (3) Issue oral orders [to the extent permitted by the health  
17 care facilities' by-laws, rules, regulations or administrative  
18 policies and guidelines].

19 (4) Make physical therapy and dietitian referrals.

20 (5) Make respiratory, speech and occupational therapy  
21 referrals.

22 (6) Perform disability assessments for the program providing  
23 Temporary Assistance to Needy Families (TANF).

24 (7) Issue homebound schooling certifications.

25 (8) Perform and sign the initial assessment of methadone  
26 treatment evaluations[, provided that any] and order [for]  
27 methadone treatment [shall be made only by a physician].

28 (c.2) [Nothing in this section shall be construed to:

29 (1) Supersede the authority of the Department of Health and  
30 the Department of Public Welfare to regulate the types of health

1 care professionals who are eligible for medical staff membership  
2 or clinical privileges.

3 (2) Restrict the authority of a health care facility to  
4 determine the scope of practice and supervision or other  
5 oversight requirements for health care professionals practicing  
6 within the facility.] Notwithstanding any provision of the act  
7 of July 19, 1979 (P.L.130, No.48), known as the "Health Care  
8 Facilities Act," no regulation or order of the Department of  
9 Health, the Department of Human Services or the Insurance  
10 Department shall supersede the decision of the governing body of  
11 a health care facility that the types of health care  
12 professionals who are eligible for medical staff membership or  
13 clinical privileges at the facility include advanced practice  
14 registered nurse-certified nurse practitioners when practicing  
15 as licensed independent practitioners.

16 (d) Nothing in this section shall be construed to limit or  
17 prohibit [a certified registered] an advanced practice  
18 registered nurse-certified nurse practitioner from engaging in  
19 those activities which normally constitute the practice of  
20 professional nursing as defined in section 2.

21 Section 8.3. Prescriptive Authority for [Certified  
22 Registered] Advanced Practice Registered Nurse-Certified Nurse  
23 Practitioners.--(a) [A certified registered] An advanced  
24 practice registered nurse-certified nurse practitioner may  
25 prescribe medical therapeutic or corrective measures if the  
26 nurse:

27 (1) has successfully completed at least forty-five (45)  
28 hours of coursework specific to advanced pharmacology at a level  
29 above that required by a professional nursing education program;

30 (2) (i) except as provided under subparagraph (ii), is

1 acting in collaboration with a physician as set forth in a  
2 written agreement which shall, at a minimum, identify the  
3 following:

4 [(i)] (A) the area of practice in which the nurse is  
5 certified;

6 [(ii)] (B) the categories of drugs from which the nurse may  
7 prescribe or dispense; and

8 [(iii)] (C) the circumstances and how often the  
9 collaborating physician will personally see the patient; or

10 (ii) is an advanced practice registered nurse-certified  
11 nurse practitioner that qualifies for the exception from  
12 section 8.1(j) or (l) and is practicing within a population  
13 focus area in which the nurse is certified by a board-recognized  
14 national certification program; and

15 (3) is acting in accordance with regulations promulgated by  
16 the board.

17 (b) [A certified registered] An advanced practice registered  
18 nurse-certified nurse practitioner who satisfies the  
19 requirements of subsection (a) may prescribe and dispense [those  
20 categories of drugs that certified registered nurse  
21 practitioners were authorized to prescribe and dispense by board  
22 regulations in effect on the effective date of this section,  
23 subject to the restrictions on certain drug categories imposed  
24 by those regulations. The board shall add to or delete from the  
25 categories of authorized drugs in accordance with the provisions  
26 of section 8.4] proprietary and nonproprietary drugs, subject to  
27 any restrictions imposed by board regulations or by Federal law.

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

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

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

7 (3) Two licensed physicians who are actively engaged in  
8 clinical practice, appointed to three-year terms by the  
9 Secretary of Health, at least one of whom shall, at the time of  
10 appointment, be collaborating with one or more certified  
11 registered nurse practitioners in accordance with section 8.3(a)  
12 (2).

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

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

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

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

1 Section 8.7. Professional Liability.--[A certified  
2 registered] (a) An advanced practice registered nurse-certified  
3 nurse practitioner practicing in this Commonwealth shall  
4 maintain a level of professional liability coverage as required  
5 for a nonparticipating health care provider under the act of  
6 March 20, 2002 (P.L.154, No.13), known as the "Medical Care  
7 Availability and Reduction of Error (Mcare) Act," but shall not  
8 be eligible to participate in the Medical Care Availability and  
9 Reduction of Error (Mcare) Fund.

10 (b) An advanced practice registered nurse-certified nurse  
11 practitioner who qualifies for the exception under section  
12 8.1(j) or (l) and operates without collaboration shall satisfy  
13 the liability coverage requirement under subsection (a) by  
14 maintaining an individual policy in the advanced practice  
15 registered nurse-certified nurse practitioner's own name.

16 Section 11.1. Reporting of Multiple Licensure.--Any licensed  
17 professional nurse or dietitian-nutritionist of this  
18 Commonwealth who is also licensed to practice nursing, advanced  
19 practice registered nursing or dietetics-nutrition in any other  
20 state, territory, possession or country shall report this  
21 information to the Board on the biennial registration  
22 application. Any disciplinary action taken in other states shall  
23 be reported to the Board on the biennial registration  
24 application or within ninety (90) days of final disposition,  
25 whichever is sooner. Multiple licensure shall be noted by the  
26 Board on the licensee's record, and such state, territory,  
27 possession or country shall be notified by the Board of any  
28 disciplinary actions taken against said licensee in this  
29 Commonwealth.

30 Section 12.1. Continuing Nursing Education.--\* \* \*

1 (g) In lieu of meeting the requirements of this section:

2 (1) [Certified registered] Advanced practice registered  
3 nurse-certified nurse practitioners and dietetics-nutrition  
4 licensees shall fulfill the requirements for continuing  
5 education in accordance with sections 8.1 and 11,  
6 respectively.

7 \* \* \*

8 Section 13. Punishment for Violations.--\* \* \*

9 (b) In addition to any other civil remedy or criminal  
10 penalty provided for in this act, the Board, by a vote of the  
11 majority of the maximum number of the authorized membership of  
12 the Board as provided by law or by a vote of the majority of the  
13 duly qualified and confirmed membership or a minimum of five (5)  
14 members, whichever is greater, may levy a civil penalty of up to  
15 one thousand dollars (\$1,000) on any current licensee who  
16 violates any provision of this act or on any person who  
17 practices nursing, practices advanced practice registered  
18 nursing or holds himself or herself forth as a licensed  
19 dietitian-nutritionist without being properly licensed to do so  
20 under this act or on the responsible officers or employees of any  
21 corporation, copartnership, institution or association violating  
22 any of the provisions of this act. The Board shall levy this  
23 penalty only after affording the accused party the opportunity  
24 for a hearing, as provided in Title 2 of the Pennsylvania  
25 Consolidated Statutes (relating to administrative law and  
26 procedure).

27 Section 14. Refusal, Suspension or Revocation of Licenses.--

28 (a) The Board may refuse, suspend or revoke any license in any  
29 case where the Board shall find that--

30 (1) The licensee is on repeated occasions negligent or

1 incompetent in the practice of professional nursing, advanced  
2 practice registered nursing or dietetics-nutrition.

3 (2) The licensee is unable to practice professional nursing  
4 or the practice of advanced practice registered nursing with  
5 reasonable skill and safety to patients by reason of mental or  
6 physical illness or condition or physiological or psychological  
7 dependence upon alcohol, hallucinogenic or narcotic drugs or  
8 other drugs which tend to impair judgment or coordination, so  
9 long as such dependence shall continue. In enforcing this clause  
10 (2), the Board shall, upon probable cause, have authority to  
11 compel a licensee to submit to a mental or physical examination  
12 as designated by it. After notice, hearing, adjudication and  
13 appeal as provided for in section 15, failure of a licensee to  
14 submit to such examination when directed shall constitute an  
15 admission of the allegations against him or her unless failure  
16 is due to circumstances beyond his or her control, consequent  
17 upon which a default and final order may be entered without the  
18 taking of testimony or presentation of evidence. A licensee  
19 affected under this paragraph shall at reasonable intervals be  
20 afforded an opportunity to demonstrate that he or she can resume  
21 a competent practice of professional nursing or the practice of  
22 advanced practice registered nursing with reasonable skill and  
23 safety to patients.

24 \* \* \*

25 (4) The licensee has committed fraud or deceit in:

26 (i) the practice of nursing, the practice of advanced  
27 practice registered nursing or in securing his or her admission  
28 to such practice or nursing school; or

29 (ii) the practice of dietetics-nutrition or in securing his  
30 or her license as a dietitian-nutritionist.

1 \* \* \*

2 (b) When the Board finds that the license of any nurse or  
3 dietitian-nutritionist may be refused, revoked or suspended  
4 under the terms of subsection (a), the Board may:

5 \* \* \*

6 (6) Restore or reissue, in its discretion, a suspended  
7 license to practice professional or practical nursing, advanced  
8 practice registered nursing or dietetics-nutrition and impose  
9 any disciplinary or corrective measure which it might originally  
10 have imposed.

11 Section 15.2. Reinstatement of License.--Unless ordered to  
12 do so by Commonwealth Court or an appeal therefrom, the Board  
13 shall not reinstate the license of a person to practice nursing,  
14 advanced practice registered nursing or dietetics-nutrition  
15 which has been revoked. Any person whose license has been  
16 revoked may reapply for a license, after a period of at least  
17 five (5) years, but must meet all of the licensing  
18 qualifications of this act for the license applied for, to  
19 include the examination requirement, if he or she desires to  
20 practice at any time after such revocation.

21 Section 15.4. Injunction or Other Process.--It shall be  
22 unlawful for any person to practice or attempt to offer to  
23 practice nursing, practice advanced practice registered nursing  
24 or hold himself or herself forth as a licensed dietitian-  
25 nutritionist[, as defined in this act,] or an advanced practice  
26 registered nurse-certified nurse practitioner without having at  
27 the time of so doing a valid, unexpired, unrevoked and  
28 unsuspended license issued under this act. The unlawful practice  
29 of nursing [as defined in this act] or the unlawful practice of  
30 advanced practice registered nursing may be enjoined by the

1 courts on petition of the Board or the Commissioner of  
2 Professional and Occupational Affairs. In any such proceeding,  
3 it shall not be necessary to show that any person is  
4 individually injured by the actions complained of. If it is  
5 determined that the respondent has engaged in the unlawful  
6 practice of nursing or the unlawful practice of advanced  
7 practice registered nursing, the court shall enjoin him or her  
8 from so practicing unless and until he or she has been duly  
9 licensed. Procedure in such cases shall be the same as in any  
10 other injunction suit. The remedy by injunction hereby given is  
11 in addition to any other civil or criminal prosecution and  
12 punishment.

13 Section 4. The authority of the State Board of Nursing to  
14 certify a licensed registered nurse as an advanced practice  
15 registered nurse-certified nurse practitioner shall expire on  
16 the effective date of this section.

17 Section 5. Within 90 days after the effective date of this  
18 section, the State Board of Nursing, the Department of Health,  
19 the Department of Human Services and other affected agencies  
20 shall initiate the promulgation of regulations necessary to  
21 carry out the provisions of this act. The promulgation of the  
22 regulations shall not be a condition precedent to the  
23 applicability of this act.

24 Section 6. This act shall take effect in 60 days.