

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 416 Session of 2021

INTRODUCED BY GORDNER, J. WARD, ARGALL, STEFANO, TARTAGLIONE, YAW, COLLETT, BAKER, HUTCHINSON, SCHWANK, SABATINA, YUDICHAK, MENSCH AND REGAN, MARCH 12, 2021

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 8, 2021

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," providing for the
8 definition of "advanced practice registered nurse-certified
9 registered nurse anesthetist"; further providing for
10 registered nurse, clinical nurse specialist, use of title and
11 abbreviation "R.N." or "C.N.S." and credentials and fraud;
12 and providing for ~~advanced practice registered nurse~~ <--
13 ~~certified~~ CERTIFIED registered nurse anesthetist and <--
14 qualifications AND FOR SCOPE OF PRACTICE FOR CERTIFIED <--
15 REGISTERED NURSE ANESTHETISTS.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,
19 No.69), known as The Professional Nursing Law, is amended by
20 adding ~~a clause~~ CLAUSES to read: <--

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

1 * * *

2 (16) "Advanced practice registered nurse certified <--
3 registered nurse anesthetist" "CERTIFIED REGISTERED NURSE <--
4 ANESTHETIST" means a registered nurse licensed in this
5 Commonwealth who is certified by the State Board of Nursing as
6 an advanced practice registered nurse certified registered nurse <--
7 anesthetist. A CERTIFIED REGISTERED NURSE ANESTHETIST. <--

8 (17) "OVERALL DIRECTION" MEANS OVERSIGHT OF ANESTHESIA
9 SERVICES AND MEDICAL MANAGEMENT OF PATIENT CARE BY A QUALIFIED
10 INDIVIDUAL WHO IS PRESENT AND AVAILABLE ONSITE, BUT NOT
11 NECESSARILY PRESENT IN THE SAME PROCEDURE ROOM AS A CERTIFIED
12 REGISTERED NURSE ANESTHETIST PERFORMING ANESTHESIA SERVICES FOR
13 THE DURATION OF THE SERVICES PROVIDED.

14 Section 2. Section 3 of the act is amended to read:

15 Section 3. Registered Nurse, Clinical Nurse Specialist,
16 Certified Registered Nurse Anesthetist, Use of Title and
17 Abbreviation ["R.N." or] "R.N.," "C.N.S.", ~~"A.P.R.N."~~ or <--
18 "C.R.N.A."; Credentials; Fraud.--(a) Any person who holds a
19 license to practice professional nursing in this Commonwealth,
20 or who is maintained on inactive status in accordance with
21 section 11 of this act, shall have the right to use the titles
22 "nurse" and "registered nurse" and the abbreviation "R.N." No
23 other person shall engage in the practice of professional
24 nursing or use the titles "nurse" or "registered nurse" or the
25 abbreviation "R.N." to indicate that the person using the same
26 is a registered nurse, except that the title "nurse" also may be
27 used by a person licensed under the provisions of the act of
28 March 2, 1956 (1955 P.L.1211, No.376), known as the "Practical
29 Nurse Law." No person shall sell or fraudulently obtain or
30 fraudulently furnish any nursing diploma, license, record, or

1 registration or aid or abet therein.

2 (b) An individual who holds a license to practice
3 professional nursing in this Commonwealth who meets the
4 requirements under sections 6.2 and 8.5 of this act to be a
5 clinical nurse specialist shall have the right to use the title
6 "clinical nurse specialist" and the abbreviation "C.N.S." No
7 other person shall have that right.

8 (b.1) An individual who holds a license to practice
9 professional nursing in this Commonwealth who meets the
10 requirements under section 8.8 of this act to be an advanced <--
11 practice registered nurse certified registered nurse anesthetist
12 A CERTIFIED REGISTERED NURSE ANESTHETIST shall have the right to <--
13 use the title "advanced practice registered nurse certified <--
14 registered nurse anesthetist" or "certified registered nurse
15 anesthetist" and use the abbreviation "A.P.R.N. C.R.N.A." or <--
16 "C.R.N.A." No other person shall have that right.

17 (c) Notwithstanding subsection (a), this section shall not
18 prohibit the use by a person of a descriptive title for nurse
19 assistive personnel. For the purposes of this subsection, the
20 term "nurse assistive personnel" shall mean an individual
21 providing health care services under the supervision of a
22 professional or practical nurse.

23 (d) The Board may issue a certification to an advanced <--
24 practice registered nurse certified registered nurse anesthetist
25 who has completed a course of study considered by the Board to
26 be equivalent to that required in this Commonwealth under
27 sections 6.2 and 8.8 of this act at the time such course was
28 completed, or who is licensed or certified by another state,
29 territory or possession of the United States or a foreign
30 country as deemed equivalent to Pennsylvania's certification

1 ~~requirements, and who has met all the requirements, including~~
2 ~~character, under this act.~~

3 Section 3. The act is amended by adding a ~~section~~ SECTIONS <--
4 to read:

5 ~~Section 8.8. Advanced Practice Registered Nurse Certified~~ <--

6 ~~CERTIFIED Registered Nurse Anesthetist; Qualifications.--(a)~~ <--

7 ~~The Board may certify a licensed registered nurse as an advanced~~ <--

8 ~~practice registered nurse certified A CERTIFIED registered nurse~~ <--

9 ~~anesthetist if the nurse satisfies the requirements established~~

10 ~~by this act SECTION. Certification of an advanced practice~~ <--

11 ~~registered nurse certified A CERTIFIED registered nurse~~ <--

12 ~~anesthetist by the Board shall expire on the same date as the~~

13 ~~license of that nurse expires. Beginning on the effective date~~

14 ~~of this section, a nurse shall not qualify for initial~~

15 ~~certification by the Board unless the nurse holds a master's~~

16 ~~degree, doctoral degree or post-master's certificate from an~~

17 ~~accredited educational program in nurse anesthesia that has been~~

18 ~~approved by the Board and that prepares graduates to practice as~~

19 ~~a certified registered nurse anesthetist and:~~

20 ~~(1) holds current national certification as a certified~~

21 ~~registered nurse anesthetist from a Board-recognized national~~

22 ~~certification organization which required passing of a national~~

23 ~~certifying examination in nurse anesthesia; and~~

24 ~~(2) meets all other Board requirements to practice as an~~ <--

25 ~~advanced practice registered nurse certified A CERTIFIED~~ <--

26 ~~registered nurse anesthetist.~~

27 ~~(b) A registered nurse who does not have a graduate degree~~

28 ~~as required under subsection (a) shall be qualified for~~

29 ~~certification as a certified registered nurse anesthetist if~~

30 ~~that nurse:~~

1 (1) meets the educational requirements for certified
2 registered nurse anesthetists that were in effect in this
3 Commonwealth at the time the nurse completed a nurse anesthesia
4 educational program; and

5 (2) submits evidence of recertification as a certified
6 registered nurse anesthetist from a Board-recognized national
7 certification organization which required passing of a national
8 certifying examination in nurse anesthesia.

9 (c) As a condition of biennial certificate renewal by the
10 Board, ~~an advanced practice registered nurse certified A~~ <--
11 CERTIFIED registered nurse anesthetist must:

12 (1) Verify that the nurse holds current recertification from
13 a Board-recognized national certification organization which
14 required passing of a national certifying examination in nurse
15 anesthesia.

16 (2) Submit a renewal application to the Board.

17 (3) Pay a renewal fee as set by the Board.

18 (4) In the two years prior to certification renewal,
19 complete at least thirty (30) hours of continuing education
20 approved by the Board, as required by section 12.1 of this act.

21 (d) For certification under this ~~act~~ SECTION, a licensed <--
22 registered nurse shall file a Board-prepared application with
23 the Board and pay a fee as established by the Board by
24 regulation.

25 (e) ~~An advanced practice registered nurse certified~~ THE <--
26 BOARD MAY ISSUE A CERTIFICATION AS A CERTIFIED REGISTERED NURSE
27 ANESTHETIST TO A LICENSED NURSE WHO HAS COMPLETED A COURSE OF
28 STUDY CONSIDERED BY THE BOARD TO BE EQUIVALENT TO A COURSE OF
29 STUDY REQUIRED IN THIS COMMONWEALTH UNDER SECTION 6.2 OF THIS
30 ACT AND THIS SECTION AT THE TIME THE COURSE WAS COMPLETED, OR

1 WHO IS LICENSED OR CERTIFIED BY ANOTHER STATE, TERRITORY OR
2 POSSESSION OF THE UNITED STATES OR A FOREIGN COUNTRY AS DEEMED
3 EQUIVALENT TO PENNSYLVANIA'S CERTIFICATION REQUIREMENTS, AND WHO
4 HAS MET ALL THE REQUIREMENTS, INCLUDING CHARACTER, UNDER THIS
5 ACT.

6 (F) A CERTIFIED registered nurse anesthetist practicing in
7 this Commonwealth shall maintain a level of professional
8 liability coverage as required for a nonparticipating health
9 care provider under the act of March 20, 2002 (P.L.154, No.13),
10 known as the "Medical Care Availability and Reduction of Error
11 (Mcare) Act," and shall not be eligible to participate in the
12 Medical Care Availability and Reduction of Error (Mcare) Fund.

13 SECTION 8.9. SCOPE OF PRACTICE FOR CERTIFIED REGISTERED <--
14 NURSE ANESTHETISTS.-- (A) A CERTIFIED REGISTERED NURSE
15 ANESTHETIST SHALL HAVE THE AUTHORITY TO PERFORM ANESTHESIA
16 SERVICES IN COOPERATION WITH A PHYSICIAN, PODIATRIST OR DENTIST
17 INVOLVED IN A PROCEDURE FOR WHICH ANESTHESIA CARE IS BEING
18 PROVIDED IF THE ANESTHESIA SERVICES ARE PERFORMED UNDER THE
19 OVERALL DIRECTION OF ANY OF THE FOLLOWING:

20 (1) A PHYSICIAN LICENSED BY THE STATE BOARD OF MEDICINE OR
21 THE STATE BOARD OF OSTEOPATHIC MEDICINE WHO HAS COMPLETED AN
22 ACCREDITED RESIDENCY TRAINING PROGRAM IN ANESTHESIOLOGY.

23 (2) A PHYSICIAN LICENSED BY THE STATE BOARD OF MEDICINE OR
24 THE STATE BOARD OF OSTEOPATHIC MEDICINE WHO IS PERFORMING THE
25 PROCEDURE FOR WHICH THE CERTIFIED REGISTERED NURSE ANESTHETIST
26 IS PERFORMING ANESTHESIA SERVICES.

27 (3) A PODIATRIST LICENSED BY THE STATE BOARD OF PODIATRY WHO
28 IS PERFORMING THE PROCEDURE FOR WHICH THE CERTIFIED REGISTERED
29 NURSE ANESTHETIST IS PERFORMING ANESTHESIA SERVICES.

30 (4) A DENTIST LICENSED BY THE STATE BOARD OF DENTISTRY AND

1 PERMITTED BY THE ACT OF MAY 1, 1933 (P.L.216, NO.76), KNOWN AS
2 "THE DENTAL LAW" OR THE STATE BOARD OF DENTISTRY TO ADMINISTER,
3 SUPERVISE OR DIRECT THE ADMINISTRATION OF ANESTHESIA.

4 (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

5 (1) PROHIBIT A CERTIFIED REGISTERED NURSE ANESTHETIST WHO
6 WOULD OTHERWISE REQUIRE DIRECTION FROM PROVIDING BRIEF PERIODS
7 OF CARE IN THE EVENT OF AN EMERGENCY THAT TEMPORARILY PREVENTS
8 OR INTERFERES WITH OVERALL DIRECTION;

9 (2) RESTRICT THE AUTHORITY OF A HEALTH CARE FACILITY TO
10 PROVIDE FOR ADDITIONAL OVERSIGHT REQUIREMENTS FOR A CERTIFIED
11 REGISTERED NURSE ANESTHETIST PRACTICING WITHIN THE FACILITY; OR

12 (3) LIMIT OR PROHIBIT A CERTIFIED REGISTERED NURSE
13 ANESTHETIST FROM ENGAGING IN THOSE ACTIVITIES WHICH NORMALLY
14 CONSTITUTE THE PRACTICE OF NURSING AS DEFINED IN SECTION 2.

15 Section 4. The State Board of Nursing shall promulgate
16 regulations to implement the amendment or addition of sections
17 2(16), 3 and 8.8 of the act within 18 months of the effective
18 date of this section.

19 Section 5. This act shall take effect in 60 days.