

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

AS AMENDED ON THIRD CONSIDERATION, JUNE 15, 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 DEFINITIONS AND FOR registered nurse, clinical nurse
11 specialist, use of title and abbreviation "R.N." or "C.N.S."
12 and credentials and fraud; and providing for certified
13 registered nurse anesthetist and qualifications and for scope
14 of practice for certified registered nurse anesthetists.

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

17 Section 1. Section 2 of the act of May 22, 1951 (P.L.317,
18 No.69), known as The Professional Nursing Law, is amended by
19 adding clauses to read:

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

23 * * *

1 (16) "Certified registered nurse anesthetist" means a
2 registered nurse licensed in this Commonwealth who is certified
3 by the State Board of Nursing as a certified registered nurse
4 anesthetist.

5 (17) "Overall direction" means oversight of anesthesia
6 services and medical management of patient care by a qualified
7 individual who is present and available onsite, but not
8 necessarily present in the same procedure room as a certified
9 registered nurse anesthetist performing anesthesia services for
10 the duration of the services provided.

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

12 Section 3. Registered Nurse, Clinical Nurse Specialist,
13 Certified Registered Nurse Anesthetist, Use of Title and
14 Abbreviation ["R.N." or] "R.N.," "C.N.S." or "C.R.N.A.";

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

29 (b) An individual who holds a license to practice
30 professional nursing in this Commonwealth who meets the

1 requirements under sections 6.2 and 8.5 of this act to be a
2 clinical nurse specialist shall have the right to use the title
3 "clinical nurse specialist" and the abbreviation "C.N.S." No
4 other person shall have that right.

5 (b.1) An individual who holds a license to practice
6 professional nursing in this Commonwealth who meets the
7 requirements under section 8.8 of this act to be a certified
8 registered nurse anesthetist shall have the right to use the
9 title "certified registered nurse anesthetist" and use the
10 abbreviation "C.R.N.A." No other person shall have that right.

11 (c) Notwithstanding subsection (a), this section shall not
12 prohibit the use by a person of a descriptive title for nurse
13 assistive personnel. For the purposes of this subsection, the
14 term "nurse assistive personnel" shall mean an individual
15 providing health care services under the supervision of a
16 professional or practical nurse.

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

18 Section 8.8. Certified Registered Nurse Anesthetist;
19 Qualifications.--(a) The Board may certify a licensed
20 registered nurse as a certified registered nurse anesthetist if
21 the REGISTERED nurse satisfies the requirements established by <--
22 this section. Certification of a certified registered nurse
23 anesthetist by the Board shall expire on the same date as the
24 license of that REGISTERED nurse expires. Beginning on the <--
25 effective date of this section, a nurse shall not qualify for
26 initial certification by the Board unless the nurse holds a
27 master's degree, doctoral degree or post master's certificate
28 from an accredited educational program in nurse anesthesia that
29 has been approved by the Board and that prepares graduates to
30 practice as a certified registered nurse anesthetist and:

1 (B) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A <--
2 REGISTERED NURSE SHALL NOT QUALIFY FOR INITIAL CERTIFICATION BY
3 THE BOARD UNLESS THE REGISTERED NURSE HOLDS A MASTER'S DEGREE,
4 DOCTORAL DEGREE OR POST-MASTER'S CERTIFICATE FROM AN ACCREDITED
5 EDUCATIONAL PROGRAM IN NURSE ANESTHESIA THAT HAS BEEN APPROVED
6 BY THE BOARD AND THAT PREPARES GRADUATES TO PRACTICE AS A
7 CERTIFIED REGISTERED NURSE ANESTHETIST AND:

8 (1) holds current national certification as a certified
9 registered nurse anesthetist from a Board-recognized national
10 certification organization which required passing of a national
11 certifying examination in nurse anesthesia; and <--

12 (2) SUBMITS AN APPLICATION AND THE REQUIRED FEE AS <--
13 ESTABLISHED BY THE BOARD; AND

14 ~~(2) meets~~ (3) COMPLIES WITH all other Board requirements to <--
15 practice as a certified registered nurse anesthetist.

16 ~~(b)~~ (C) A registered nurse who does not have a graduate <--
17 degree as required under subsection ~~(a)~~ (B) shall be qualified <--
18 for certification as a certified registered nurse anesthetist if
19 that REGISTERED nurse: <--

20 (1) meets the educational requirements for certified
21 registered nurse anesthetists that were in effect in this
22 Commonwealth at the time the REGISTERED nurse completed a nurse <--
23 anesthesia educational program; and <--

24 (2) submits evidence of recertification as a certified
25 registered nurse anesthetist from a Board-recognized national
26 certification organization which required passing of a national
27 certifying examination in nurse anesthesia; <--

28 (3) SUBMITS AN APPLICATION AND THE REQUIRED FEE AS
29 ESTABLISHED BY THE BOARD; AND

30 (4) COMPLIES WITH ALL OTHER BOARD REQUIREMENTS TO PRACTICE

1 AS A CERTIFIED REGISTERED NURSE ANESTHETIST.

2 ~~(c) As a condition of biennial certificate renewal by the~~ <--
3 ~~Board, a certified registered nurse anesthetist must:~~

4 ~~(1) Verify that the nurse holds current recertification from~~
5 ~~a Board recognized national certification organization which~~
6 ~~required passing of a national certifying examination in nurse~~
7 ~~anesthesia.~~

8 ~~(2) Submit a renewal application to the Board.~~

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

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

13 ~~(d) For certification under this section, a licensed~~
14 ~~registered nurse shall file a Board prepared application with~~
15 ~~the Board and pay a fee as established by the Board by~~
16 ~~regulation.~~

17 ~~(e) (D) The Board may issue a certification as a certified~~ <--
18 ~~registered nurse anesthetist to a licensed REGISTERED nurse who~~ <--
19 ~~has completed a course of study considered by the Board to be~~
20 ~~equivalent to a course of study required in this Commonwealth~~
21 ~~under section 6.2 of this act and this section at the time the~~
22 ~~course was completed, or who is licensed or certified by another~~
23 ~~state, territory or possession of the United States or a foreign~~
24 ~~country as deemed equivalent to Pennsylvania's certification~~
25 ~~requirements, and who has met all the requirements, including~~
26 ~~character, under this act.~~

27 (E) AS A CONDITION OF BIENNIAL CERTIFICATE RENEWAL BY THE <--
28 BOARD, A CERTIFIED REGISTERED NURSE ANESTHETIST MUST:

29 (1) VERIFY THAT THE NURSE HOLDS CURRENT NATIONAL
30 RECERTIFICATION FROM A BOARD-RECOGNIZED NATIONAL CERTIFICATION

1 ORGANIZATION THAT REQUIRES PASSING A NATIONAL CERTIFYING
2 EXAMINATION IN NURSE ANESTHESIA.

3 (2) SUBMIT A RENEWAL APPLICATION TO THE BOARD AND THE
4 REQUIRED FEE AS ESTABLISHED BY THE BOARD.

5 (3) IN THE TWO YEARS PRIOR TO THE CERTIFICATION RENEWAL,
6 COMPLETE AT LEAST THIRTY (30) HOURS OF CONTINUING EDUCATION
7 APPROVED BY THE BOARD, AS REQUIRED UNDER SECTION 12.1 OF THIS
8 ACT.

9 (4) COMPLY WITH ALL OTHER REQUIREMENTS OF THE BOARD.

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

17 Section 8.9. Scope of Practice for Certified Registered
18 Nurse Anesthetists.--(a) A certified registered nurse
19 anesthetist shall have the authority to perform anesthesia
20 services in cooperation with a physician, podiatrist or dentist
21 involved in a procedure for which anesthesia care is being
22 provided if the anesthesia services are performed under the
23 overall direction of any of the following:

24 (1) A physician licensed by the State Board of Medicine or
25 the State Board of Osteopathic Medicine who has completed an
26 accredited residency training program in anesthesiology.

27 (2) A physician licensed by the State Board of Medicine or
28 the State Board of Osteopathic Medicine who is performing the
29 procedure for which the certified registered nurse anesthetist
30 is performing anesthesia services.

1 (3) A podiatrist licensed by the State Board of Podiatry who
2 is performing the procedure for which the certified registered
3 nurse anesthetist is performing anesthesia services.

4 (4) A dentist licensed by the State Board of Dentistry and
5 permitted by the act of May 1, 1933 (P.L.216, No.76), known as
6 "The Dental Law" or the State Board of Dentistry to administer,
7 supervise or direct the administration of anesthesia.

8 (b) Nothing in this section shall be construed to:

9 (1) prohibit a certified registered nurse anesthetist who
10 would otherwise require direction from providing brief periods
11 of care in the event of an emergency that temporarily prevents
12 or interferes with overall direction;

13 (2) restrict the authority of a health care facility to
14 provide for additional oversight requirements for a certified
15 registered nurse anesthetist practicing within the facility; or

16 (3) limit or prohibit a certified registered nurse
17 anesthetist from engaging in those activities which normally
18 constitute the practice of nursing as defined in section 2.

19 Section 4. The State Board of Nursing shall promulgate FINAL <--
20 regulations to implement the amendment or addition of sections
21 2(16), 3 and 8.8 of the act within 18 months of the effective
22 date of this section.

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