

determine any such action on its merits as soon as convenient, whether in term, time or in vacation. Appeals from any final decision of the court to the Superior or Supreme Court shall be as in similar cases. No bond shall be required of and no costs shall be taxed against the board on account of any such action. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action provided by this act for violation thereof, or of any rule or regulation of the board promulgated thereunder.

Section 20. Records.—All records and documents pertaining to persons licensed to practice chiropody shall be transferred to the board.

Section 21. Nothing in this act contained shall be construed to interfere with, or affect, regularly licensed physicians in the discharge of their professional duties, and nothing herein contained shall be construed to prohibit or restrict the sale or fitting of shoes or commercial foot appliances. No retail merchant shall be permitted to practice chiropody as provided for in this act, unless duly licensed to practice chiropody.

Applicability.

Section 22. The act of March twenty-one, one thousand nine hundred forty-five (Pamphlet Laws 51) entitled "An act defining and regulating the practice of Chiropody and providing penalties" is repealed as amended.

Repeal.

Section 10. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 2nd day of March, A. D. 1956.

GEORGE M. LEADER

No. 376

AN ACT

Providing for and regulating the licensing and practice of practical nursing; imposing duties on the State Board of Nurse Examiners; and imposing penalties.

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

Practical Nurse Law.

Section 1. This act shall be known and may be cited as the "Practical Nurse Law."

Definitions.

Section 2. When used in this act the following words and phrases shall have the following meaning, unless the context clearly indicates otherwise.

(1) The "practice of practical nursing" means the performance of such duties as are required in the physical care of a patient and in carrying out of medical

orders as prescribed by a physician licensed to practice in Pennsylvania, requiring an understanding of nursing but not requiring professional nursing service.

(2) "Board" means the State Board of Nurse Examiners.

Limitation to practical nursing.

Section 3. This act confers no authority to practice any profession other than practical nursing.

This does not prohibit care of the sick so long as the persons rendering the service do not represent or hold themselves out to be licensed practical nurses, or use in connection with their names any designation tending to imply that they are licensed to practice under the provisions of this act: Provided, however, That this provision shall not prohibit any person from using the designation "practical nurse."

Examination and issue of license certificate.

Section 4. The board shall once every year and at such other times and under such conditions as shall be provided by its regulations examine all applicants eligible for examination to determine whether they are qualified to be licensed, and shall authorize the issue to each person passing said examination to the satisfaction of the board \*a proper certificate setting forth that such person has been licensed to practice as a licensed practical nurse.

Application for license.

Section 5. No application for licensure as a licensed practical nurse shall be considered unless accompanied by a fee of five dollars (\$5.00). Every applicant for examination as a licensed practical nurse shall furnish evidence satisfactory to the board that he or she is eighteen years of age or over, is a citizen of the United States or has legally declared intention to become such, is of good moral character, has completed at least eight years of education in public, parochial or private school, or its equivalent as evaluated by the Department of Public Instruction; and

(1) Has satisfactorily completed a course in practical nursing prescribed and approved by the board in a school, hospital or other institution, of not less than fifteen hundred hours and within a period of not less than nine months; or

(2) Has successfully completed at least one year of study in an approved school of professional nursing.

Licensing without examination.

Section 6. The board may license without examination:

(1) A graduate of an approved school for the training of practical nurses in any other state, territory, province or country, who has completed a course of study in practical nursing considered by the board to

\* "of" in original.

be equivalent to that required in this Commonwealth and who was licensed in such state, territory, province or country, by examination and has met the foregoing requirements as to age, character, citizenship and preliminary education.

(2) An applicant who has met the requirements herein as to age, character and citizenship and who has been actively engaged in nursing as a practical nurse, as herein defined, for a period of three years upon submission of proof of such practice satisfactory to the board.

Applications for such licensure shall be filed with the board by such person on or before June 1, 1959.

Section 7. Every person licensed to practice as a licensed attendant and to use the letters "LA" at the time this act becomes effective shall be considered as licensed to practice under this act and may continue to practice as such upon the annual renewal of his or her license as required herein and subject to the provision hereof. Any person licensed as a licensed attendant may exchange such license for a license as a practical nurse and may thereafter use the letters "LPN" instead of the letters "LA." Nothing in this act shall affect the right of a bona fide student in an approved school or institution, preparing on the effective date of this act for examination as a licensed attendant, to take said examination, but the license issued therefor shall be as a licensed practical nurse. The board shall make such provisions therefor as necessary and may authorize the issuance of license to make this provision effective.

Licensing application to presently licensed attendants.

Section 8. The board, with the approval of the Superintendent of Public Instruction, shall appoint a committee of two practical nurses and one practical nurse educator and, in consultation with this committee, subject to the provisions of the Administrative Agency Law, approved June four, one thousand nine hundred forty-five (Pamphlet Laws 1388), and its amendments, shall have the power and duty to establish reasonable rules and regulations for the administration of this act. Copies of such rules and regulations shall be available to persons who may be interested therein. The board shall have no power in any way to fix salaries or control the compensation paid any licensed practical nurse or licensed attendant.

Appointment of committee to establish rules and regulations.

Section 9. The board shall annually prepare and make available for public distribution lists of all schools and institutions, or combinations thereof, for the training of practical nurses, approved by the board, the graduates of which shall be eligible for examination for licensure as licensed practical nurses. The removal of any such school or institution from the approved list

Lists of approved schools.

shall not make any bona fide student therein at the time of said removal ineligible for examination.

**Insignia  
"LPN."**

Section 10. An insignia bearing the initials "LPN" may be worn by persons licensed under the provisions of this act.

**Record.**

Section 11. The board shall maintain a record of all licenses issued under the provisions of this act and renewals thereof as hereinafter provided.

**Time limit of  
license.**

Section 12. Each original license issued and recorded under the provisions of this act shall authorize the holder to practice nursing as a licensed practical nurse from the date of the issuance of said license until the last day of June next succeeding, unless said license shall be revoked or suspended for cause as hereinafter provided.

**Renewal.**

Section 13. Every licensed practical nurse receiving a license under the provisions of this act shall, annually during the month of June, apply for renewal of such license, whereupon the board shall upon the payment of the fee of one dollar (\$1.00) issue a renewal of said license for the term of one year and such renewal shall be duly recorded as hereinbefore provided.

**Prohibitions.**

Section 14. Except as otherwise herein provided, it shall be unlawful for any person, association, partnership, corporation or institution, after the effective date of this act, to

(1) Furnish, sell or obtain by fraud or misrepresentation a record of any qualification required for a license, or aid or abet therein;

(2) Use in connection with his or her name the words licensed attendant, licensed practical nurse, or the letters "LA" or "LPN," or any designation tending to imply that he or she is a licensed attendant or licensed practical nurse, unless he or she is duly licensed to so practice under the provisions of this act;

(3) Practice practical nursing during the time his or her license issued under the provisions of this act is suspended or revoked;

(4) Otherwise violate any of the provisions of this act.

**Penalty.**

Section 15. Any person or an officer or employe of any association, corporation, institution or partnership, violating any of the provisions of this act shall, upon summary conviction therefor, be sentenced to pay a fine of not less than fifty dollars (\$50) for the first offense, and for a second and subsequent offense not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), and in default of the payment of such fine and costs to undergo imprisonment for a period not to exceed thirty (30) days.

Section 16. The board may suspend or revoke any license in any case where the board shall find, that the licensee

Suspension or revocation of license.

- (1) Is guilty of gross immorality;
- (2) Is unfit or incompetent by reason of negligence, habits or other causes;
- (3) Has wilfully or repeatedly violated any of the provisions of this act or of the regulations of the board;
- (4) Has committed fraud or deceit in the practice of practical nursing or in securing his or her admission to such practice;
- (5) Has been convicted or has pleaded guilty or entered a plea of nolo contendere or has been found guilty by a judge or jury of a crime, or has been dishonorably discharged or has been discharged under circumstances amounting to dishonorable discharge from the military forces of the United States or of any other country;
- (6) Is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having a similar effect, or if he or she has become mentally incompetent;
- (7) Is continuing to practice nursing when such licensee knows he or she has an infectious, communicable or contagious disease;
- (8) Has been guilty of unprofessional conduct or such conduct as to require a suspension or revocation in the public interest;
- (9) That said licensee having obtained a license or certificate of record upon declaration of intention to become a citizen of the United States has not become a citizen of the United States within seven years from the date of such declaration of intention.

Section 17. All suspensions and revocations shall be made only in accordance with the regulations of the board and only by majority vote of the members of the board, and shall be subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with the provisions of the Administrative Agency Law, approved June four, one thousand nine hundred forty-five (Pamphlet Laws 1388), or any amendment or reenactment thereof relating to adjudication procedure. The board by majority action and in accordance with its regulations may reissue any license which has been suspended or revoked.

Regulations for suspension or revocation.

Section 18. The act of May thirteen, one thousand nine hundred twenty-seven (Pamphlet Laws 988), entitled "An act providing for and regulating the state registration of nurses and licensed attendants, the annual recording of registration certificates; and regulat-

Repeal.

ing the profession of nursing; and repealing certain existing laws," is repealed in so far as it applies to licensed attendants.

Effective dates.

Section 19. This act shall take effect immediately, but sections fourteen and eighteen shall not become operative until November one, one thousand nine hundred fifty-six.

APPROVED—The 2nd day of March, A. D. 1956.

GEORGE M. LEADER

No. 377

AN ACT

Amending the act of April nine, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the lease or grant of real estate under the jurisdiction of the Department of Forests and Waters in the City of Philadelphia for the purpose of aiding the establishment of parking services and facilities within State Park Areas situate within the city.

The Administrative Code of 1929.

Section 1806, act of April 9, 1929, P. L. 177, amended by adding a new clause (i).

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

Section 1. Section one thousand eight hundred six, act of April nine, one thousand nine hundred twenty-nine (Pamphlet Laws 177), known as "The Administrative Code of 1929," is amended by adding, at the end thereof, a new clause to read:

Section 1806. Parks.—The Department of Forests and Waters shall have the power, and its duty shall be:

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(i) *For the purpose of providing parking facilities and incidental services within the borders of any State Park Area situate in the City of Philadelphia to lease*