

No. 1985-11

AN ACT

SB 342

Amending the act of March 2, 1956 (1955 P.L.1211, No.376), entitled "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," further providing for qualifications for license and for suspension; and making an editorial change.

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

Section 1. Section 5 of the act of March 2, 1956 (1955 P.L.1211, No.376), known as the Practical Nurse Law, amended December 28, 1972 (P.L.1660, No.354), is amended to read:

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 twelve years of education with diploma in public, parochial or private school, or its equivalent as evaluated by the Department of **[Public Instruction] Education**; and 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 twelve months, *and has not been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country. An applicant's statement on the application declaring the absence of a conviction shall be deemed satisfactory evidence of the absence of a conviction, unless the board has some evidence to the contrary.*

Any licensed practical nurse licensed to practice without examination prior to May 14, 1966, shall be eligible to apply for the examination conducted by the board even though such applicant does not possess the educational background or its equivalent required of other applicants for examination.

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

Section 16.1. A license issued under this act shall automatically be suspended upon the legal commitment to an institution of a licensee because of mental incompetency from any cause upon filing with the board a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or conviction of an offense under the laws of another jurisdiction, which, if committed in Pennsylvania, would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act." As used in

this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this section shall not be stayed pending any appeal of a conviction. Restoration of such license shall be made as in the case of revocation or suspension of such license.

Section 3. This act shall take effect immediately.

APPROVED—The 2nd day of May, A. D. 1985.

DICK THORNBURGH