

No. 2002-206

AN ACT

SB 1208

Amending the act of May 22, 1951 (P.L.317, No.69), entitled, as amended, "An act relating to the practice of professional nursing; providing for the licensing of nurses and for the revocation and suspension of such licenses, subject to appeal, and for their reinstatement; providing for the renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws," further defining "Practice of Professional Nursing"; further providing for the duties of the State Board of Nursing; providing for certified registered nurse practitioners and for their scope of practice and prescriptive authority; establishing the Drug Review Committee; and making a repeal.

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

Section 1. The definition of "Practice of Professional Nursing" in clause (1) of section 2 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, amended December 20, 1985 (P.L.409, No.109), is amended and definitions are added to read:

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

(1) The "Practice of Professional Nursing" means diagnosing and treating human responses to actual or potential health problems through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimens as prescribed by a licensed physician or dentist. The foregoing shall not be deemed to include acts of medical diagnosis or prescription of medical therapeutic or corrective measures, except as **[may be authorized by] performed by a certified registered nurse practitioner acting in accordance with rules and regulations [jointly] promulgated by [the State Board of Medicine and] the Board[, which rules and regulations shall be implemented by the Board].**

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

(13) "***Collaboration***" means a process in which a certified registered nurse practitioner works with one or more physicians to deliver health care services within the scope of the certified registered nurse practitioner's expertise. The process includes all of the following:

(i) ***Immediate availability of a licensed physician to a certified registered nurse practitioner through direct communications or by radio, telephone or telecommunications.***

(ii) ***A predetermined plan for emergency services.***

(iii) A physician available to a certified registered nurse practitioner on a regularly scheduled basis for referrals, review of the standards of medical practice incorporating consultation and chart review, drug and other medical protocols within the practice setting, periodic updating in medical diagnosis and therapeutics and cosigning records when necessary to document accountability by both parties.

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

Section 2. Section 2.1 of the act is amended by adding a subsection to read:

Section 2.1. State Board of Nursing.—* * *

(1) Any powers and duties imposed on the State Board of Medicine or jointly imposed on the State Board of Medicine and the State Board of Nursing, with respect to certified registered nurse practitioners, by or pursuant to law or regulation shall, after the effective date of this subsection, be exercised solely by the State Board of Nursing. This subsection shall not apply to 49 Pa. Code §§ 21.283(4) (relating to prescribing and dispensing drugs) and 21.321 (relating to performance of tasks without direction; performance of tasks without training; other) unless the State Board of Nursing promulgates a regulation to exercise the duties imposed on the State Board of Medicine by those sections.

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

Section 8.1. Certified Registered Nurse Practitioners; Qualifications.—(a) The board may certify a licensed registered nurse as a certified registered nurse practitioner in a particular clinical specialty area if the nurse satisfies the requirements established by this act and regulations promulgated by the board. Certification of a nurse by the board shall expire on the same date as the license of that nurse expires.

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

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

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

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

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

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

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

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

(ii) fulfills all administrative requirements of the board and possesses all of the other qualifications for certification in effect immediately prior to the effective date of this section.

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

Section 8.2. Scope of Practice for Certified Registered Nurse Practitioners.—(a) A certified registered nurse practitioner while functioning in the expanded role as a professional nurse shall practice within the scope of practice of the particular clinical specialty area in which the nurse is certified by the board.

(b) A certified registered nurse practitioner may perform acts of medical diagnosis in collaboration with a physician and in accordance with regulations promulgated by the board.

(c) A certified registered nurse practitioner may prescribe medical therapeutic or corrective measures if the nurse is acting in accordance with the provisions of section 8.3.

(d) Nothing in this section shall be construed to limit or prohibit a certified registered nurse practitioner from engaging in those activities which normally constitute the practice of nursing as defined in section 2.

Section 8.3. Prescriptive Authority for Certified Registered Nurse Practitioners.—(a) A certified registered nurse practitioner may prescribe medical therapeutic or corrective measures if the nurse:

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

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

(i) the area of practice in which the nurse is certified;

(ii) the categories of drugs from which the nurse may prescribe or dispense; and

(iii) the circumstances and how often the collaborating physician will personally see the patient; and

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

(b) A certified registered nurse practitioner who satisfies the requirements of subsection (a) may prescribe and dispense those categories of drugs that certified registered nurse practitioners were authorized to prescribe and dispense by board regulations in effect on the effective date of this section, subject to the restrictions on certain drug categories imposed by those regulations. The board shall add to or delete from the categories of authorized drugs in accordance with the provisions of section 8.4.

Section 8.4. Drug Review Committee.—(a) The Drug Review Committee is hereby established and shall consist of seven members as follows:

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

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

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

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

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

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

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

Section 4. Section 3 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, is repealed insofar as it provides for the appointment of a certified registered nurse practitioner to the State Board of Medicine.

Section 5. Section 15 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, is repealed.

Section 6. The regulations set forth in 49 Pa. Code Ch. 18 Subch. C are abrogated to the extent they are inconsistent with this act.

Section 7. (a) All references in 49 Pa. Code Ch. 21 Subch. C to the State Board of Medicine shall be deemed to refer to the State Board of Nursing.

(b) Notwithstanding subsection (a), the references in 49 Pa. Code §§ 21.283(4) and 21.321 to the State Board of Medicine shall remain in effect unless amended by a regulation promulgated by the State Board of Nursing.

(c) The State Board of Nursing shall promulgate regulations amending Subchapter C of Chapter 21 of 49 Pa. Code to be consistent with this act.

Section 8. (a) Nothing in this act shall be construed to prohibit the continued practice of certified registered nurse practitioners who were authorized to practice in this Commonwealth on the effective date of this act.

(b) Nothing in this act shall be construed to invalidate any certification, approval, designation, health care facility policy, collaborative agreement, authorization to prescribe and dispense therapeutic drugs or waiver of physician supervision requirement in effect on the effective date of this act.

Section 9. This act shall take effect in 60 days.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER