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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 100 Session of  
2017

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INTRODUCED BY TOPPER, MURT, BARRAR, BLOOM, BOBACK, BULLOCK,  
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SCHWEYER, SIMS, SNYDER, WARD, WARNER AND WATSON,  
MARCH 21, 2017

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 21, 2017

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AN ACT

1 Amending the act of May 22, 1951 (P.L.317, No.69), entitled, as  
2 amended, "An act relating to the practice of professional  
3 nursing; providing for the licensing of nurses and for the  
4 revocation and suspension of such licenses, subject to  
5 appeal, and for their reinstatement; providing for the  
6 renewal of such licenses; regulating nursing in general;  
7 prescribing penalties and repealing certain laws," further  
8 providing for definitions; and providing for licensure as a  
9 certified nurse practitioner.

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

12 Section 1. Section 2(1), (10) and (14) of the act of May 22,  
13 1951 (P.L.317, No.69), known as The Professional Nursing Law,  
14 are amended and the section is amended by adding paragraphs to  
15 read:

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

19 (1) The "Practice of Professional Nursing" means diagnosing

1 and treating human responses to actual or potential health  
2 problems through such services as casefinding, health teaching,  
3 health counseling, and provision of care supportive to or  
4 restorative of life and well-being, and executing medical  
5 regimens as prescribed by a licensed physician or dentist. The  
6 foregoing shall not be deemed to include acts of medical  
7 diagnosis or prescription of medical therapeutic or corrective  
8 measures, except as performed by a certified [registered] nurse  
9 practitioner acting in accordance with rules and regulations  
10 promulgated by the Board.

11 \* \* \*

12 (10) "Medical nutrition therapy" means the component of  
13 nutrition therapy that concerns determining and recommending  
14 nutrient needs based on nutritional assessment and medical  
15 problems relative to diets prescribed by a licensed physician or  
16 certified nurse practitioner, including:

- 17 (i) tube feedings;  
18 (ii) specialized intravenous solutions;  
19 (iii) specialized oral solutions; and  
20 (iv) interactions of prescription drugs with food or  
21 nutrients.

22 \* \* \*

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

28 \* \* \*

29 (16) "Certified nurse practitioner" or "advanced practice  
30 registered nurse-certified nurse practitioner" means a

1 registered nurse licensed in this Commonwealth to practice  
2 independently in a particular clinical specialty area or  
3 population focus in which the registered nurse is certified.

4 (17) "Population focus" means a category of the population  
5 within which a certified nurse practitioner practices, including  
6 family/individual across the lifespan, adult-gerontology,  
7 neonatal, pediatrics, women's health/gender-related,  
8 psychiatric/mental health any other such categories as  
9 designated by Board regulations.

10 (18) "Controlled substance" means any drug designated as  
11 such under the provisions of the act of April 14, 1972 (P.L.233,  
12 No.64), known as "The Controlled Substance, Drug, Device and  
13 Cosmetic Act."

14 (19) "Nonproprietary drug" means a drug containing any  
15 quantity of a controlled substance or a drug which is required  
16 by an applicable Federal or State law to be dispensed only by  
17 prescription.

18 (20) "Proprietary drug" means a nonprescription, nonnarcotic  
19 medicine or drug which may be sold without a prescription and  
20 which is prepackaged for use by the consumer and labeled in  
21 accordance with the requirements of the statutes and regulations  
22 of the Federal Government and this Commonwealth.

23 (21) "Licensed independent practitioner" means a  
24 practitioner licensed under this act to provide care and  
25 services, without direction or supervision, within the scope of  
26 the practitioner's license.

27 Section 2. Sections 2.1(1), 3.1(b), 4.1 and 7(b) of the act  
28 are amended to read:

29 Section 2.1. State Board of Nursing.--\* \* \*

30 (1) Any powers and duties imposed on the State Board of

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

12 Section 3.1. Dietitian-Nutritionist License Required.--\* \* \*

13 (b) Nothing in this section shall be construed to require or  
14 preclude third-party insurance reimbursement. Nothing herein  
15 shall preclude an insurer or other third-party payor from  
16 requiring that a licensed dietitian-nutritionist obtain a  
17 referral from a licensed physician, certified nurse  
18 practitioner, dentist or podiatrist or that a licensed  
19 dietitian-nutritionist file an evaluation and treatment plan  
20 with the insurer or third-party payor as a precondition of  
21 reimbursement.

22 Section 4.1. Temporary Practice Permit.--(a) In order for a  
23 person to practice professional nursing during the one (1) year  
24 period from completion of his or her education program or the  
25 one (1) year period from the application for licensure by a  
26 person who holds a current license issued by any other state,  
27 territory or possession of the United States or the Dominion of  
28 Canada, the Board may issue a temporary practice permit which is  
29 nonrenewable and valid for a period of one (1) year and during  
30 such additional period as the Board may in each case especially

1 permit, except that the temporary practice permit shall expire  
2 if such person fails the licensing examination.

3 (b) Within 90 days of the date a temporary practice permit  
4 to practice as a certified nurse practitioner is issued by the  
5 Board to an individual who was licensed or certified by another  
6 state, territory or possession of the United States or a foreign  
7 country, the individual shall comply with the requirements under  
8 sections 8.2 and 8.3 with regard to acting in collaboration with  
9 a physician and in accordance with a collaborative or written  
10 agreement with a physician, unless the individual qualifies for  
11 the exception from the collaboration requirement according to  
12 the Board under section 8.9(c).

13 Section 7. Graduates of Schools of Other States, Territories  
14 or Dominion of Canada.--\* \* \*

15 (b) The Board may issue a [certification to registered nurse  
16 practitioners who have] license as a certified nurse  
17 practitioner to a registered nurse who has completed a course of  
18 study considered by the Board to be equivalent to that required  
19 in this State at the time such course was completed or who is  
20 licensed or certified by another state, territory or possession  
21 of the United States or a foreign country as deemed equivalent  
22 to Pennsylvania's [certification] licensure requirements in  
23 accordance with the [joint] rules and regulations of the [Boards  
24 of Nursing and Medicine] Board.

25 \* \* \*

26 Section 3. Section 8.1 of the act is amended by adding a  
27 subsection to read:

28 Section 8.1. Certified Registered Nurse Practitioners;  
29 Qualifications.--\* \* \*

30 (d) The authority of the Board to certify a licensed

1 registered nurse as a certified registered nurse practitioner  
2 shall expire on the effective date of section 8.8.

3 Section 4. Sections 8.2, 8.3, 8.4 and 8.7 of the act are  
4 amended to read:

5 Section 8.2. Scope of Practice for Certified [Registered]  
6 Nurse Practitioners.--(a) A certified [registered] nurse  
7 practitioner [while functioning in the expanded role as a  
8 professional nurse] shall practice within the scope of practice  
9 of the particular clinical specialty area or population focus  
10 in which the nurse is [certified] licensed by the [board] Board.  
11 Notwithstanding any other provision of law, a certified nurse  
12 practitioner is entitled to all of the following:

13 (1) To practice as a licensed independent practitioner  
14 within the scope of practice of the particular clinical  
15 specialty area or population focus in which the nurse is  
16 licensed by the Board.

17 (2) To be recognized as a primary care provider under  
18 managed care and other health care plans.

19 (b) [A] Except as provided under section 8.9, a certified  
20 [registered] nurse practitioner may perform acts of medical  
21 diagnosis in collaboration with a physician and in accordance  
22 with regulations promulgated by the [board] Board.

23 (c) Except as provided in subsection (c.1), a certified  
24 [registered] nurse practitioner may prescribe medical  
25 therapeutic or corrective measures if the nurse is acting in  
26 accordance with the provisions of section 8.3.

27 (c.1) [Except as limited by subsection (c.2), and in] In  
28 addition to existing authority, a certified [registered] nurse  
29 practitioner shall have authority to do all of the following,  
30 provided that the certified nurse practitioner is acting within

1 the scope of the certified [registered] nurse practitioner's  
2 collaborative or written agreement with a physician, except as  
3 provided under section 8.9, and the certified [registered] nurse  
4 practitioner's [specialty] certification:

5 (1) Order home health and hospice care.

6 (2) Order durable medical equipment.

7 (3) Issue oral orders [to the extent permitted by the health  
8 care facilities' by-laws, rules, regulations or administrative  
9 policies and guidelines].

10 (4) Make physical therapy and dietitian referrals.

11 (5) Make respiratory, speech and occupational therapy  
12 referrals.

13 (6) Perform disability assessments for the program providing  
14 Temporary Assistance to Needy Families (TANF).

15 (7) Issue homebound schooling certifications.

16 (8) Perform and sign the initial assessment of methadone  
17 treatment evaluations[, provided that any] and order [for]  
18 methadone treatment [shall be made only by a physician].

19 (c.2) [Nothing in this section shall be construed to:

20 (1) Supersede the authority of the Department of Health and  
21 the Department of Public Welfare to regulate the types of health  
22 care professionals who are eligible for medical staff membership  
23 or clinical privileges.

24 (2) Restrict the authority of a health care facility to  
25 determine the scope of practice and supervision or other  
26 oversight requirements for health care professionals practicing  
27 within the facility.] Notwithstanding any provision of the act  
28 of July 19, 1979 (P.L.130, No.48), known as the "Health Care  
29 Facilities Act," that may be to the contrary, no regulation or  
30 order of the Department of Health, the Department of Human

1 Services or the Insurance Department shall supersede the  
2 decision of the governing body of a health care facility that  
3 the types of health care professionals who are eligible for  
4 medical staff membership or clinical privileges at the facility  
5 include certified nurse practitioners when practicing as  
6 licensed independent practitioners.

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

11 Section 8.3. Prescriptive Authority for Certified  
12 [Registered] Nurse Practitioners.--(a) A certified [registered]  
13 nurse practitioner may prescribe medical therapeutic or  
14 corrective measures if the nurse:

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

18 (2) (i) except as provided under subparagraph (ii), is  
19 acting in collaboration with a physician as set forth in a  
20 written agreement which shall, at a minimum, identify the  
21 following:

22 [(i)] (A) the area of practice in which the nurse is  
23 certified;

24 [(ii)] (B) the categories of drugs from which the nurse may  
25 prescribe or dispense; and

26 [(iii)] (C) the circumstances and how often the  
27 collaborating physician will personally see the patient; or

28 (ii) if the certified nurse practitioner qualifies for the  
29 exception from the collaboration requirement as provided under  
30 section 8.9, is practicing within a clinical specialty area or



1 population focus in which the nurse is certified; and

2 (3) is acting in accordance with regulations promulgated by  
3 the [board] Board.

4 (b) A certified [registered] nurse practitioner who  
5 satisfies the requirements of subsection (a) may prescribe and  
6 dispense [those categories of drugs that certified registered  
7 nurse practitioners were authorized to prescribe and dispense by  
8 [board] Board regulations in effect on the effective date of  
9 this section, subject to the restrictions on certain drug  
10 categories imposed by those regulations. The [board] Board shall  
11 add to or delete from the categories of authorized drugs in  
12 accordance with the provisions of section 8.4] proprietary and  
13 nonproprietary drugs, subject to any restrictions imposed by  
14 Board regulations or by Federal law.

15 Section 8.4. [Drug Review Committee.--(a) The Drug Review  
16 Committee is hereby established and shall consist of seven  
17 members as follows:

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

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

24 (3) Two licensed physicians who are actively engaged in  
25 clinical practice, appointed to three-year terms by the  
26 Secretary of Health, at least one of whom shall, at the time of  
27 appointment, be collaborating with one or more certified  
28 registered nurse practitioners in accordance with section 8.3(a)  
29 (2).

30 (4) Two licensed pharmacists who are actively engaged in the

1 practice of pharmacy, appointed to three-year terms by the  
2 Secretary of Health.

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

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

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

18 Section 8.7. Professional Liability.--(a) A certified  
19 [registered] nurse practitioner practicing in this Commonwealth  
20 shall maintain a level of professional liability coverage as  
21 required for a nonparticipating health care provider under the  
22 act of March 20, 2002 (P.L.154, No.13), known as the "Medical  
23 Care Availability and Reduction of Error (Mcare) Act," but shall  
24 not be eligible to participate in the Medical Care Availability  
25 and Reduction of Error (Mcare) Fund.

26 (b) A certified nurse practitioner who qualifies for the  
27 exception from the collaboration requirement under section 8.9  
28 and operates without collaboration shall satisfy the liability  
29 coverage requirement under subsection (a) by maintaining an  
30 individual policy in the certified nurse practitioner's own

1 name.

2 Section 5. The act is amended by adding sections to read:

3 Section 8.8. Licensure as a Certified Nurse Practitioner.--

4 (a) A registered nurse who holds current certification by the  
5 Board, under section 8.1, as a certified registered nurse  
6 practitioner in a particular clinical specialty area on the  
7 effective date of this section shall automatically be deemed to  
8 be licensed by the Board as a certified nurse practitioner,  
9 either in that specialty area or in the population focus for  
10 which that registered nurse is otherwise qualified. The Board  
11 shall issue appropriate written notice of the license as a  
12 certified nurse practitioner, provided that the issuance of that  
13 notice shall not be a condition precedent to practice in  
14 accordance with that license.

15 (b) Except as provided in subsection (a), a person shall not  
16 qualify for an initial license as a certified nurse practitioner  
17 on or after the effective date of this section unless the person  
18 meets the following criteria:

19 (1) Holds a current license in this Commonwealth as a  
20 registered nurse.

21 (2) Is a graduate of an accredited, Board-approved master's  
22 or post-master's nurse practitioner program.

23 (3) Holds current certification as a certified nurse  
24 practitioner from a Board-recognized national certification  
25 program which required passing a national certifying examination  
26 in the particular clinical specialty area or population focus in  
27 which the nurse is seeking licensure by the Board.

28 (c) (1) An initial license under subsection (a) as a  
29 certified nurse practitioner shall expire on the same date as  
30 the nurse's then current license as a registered nurse is

1 scheduled to expire. The license as a certified nurse  
2 practitioner shall thereafter be renewed biennially on the same  
3 date as the nurse's license as a registered nurse.

4 (2) An initial license under subsection (b) or section 7(b)  
5 as a certified nurse practitioner shall expire on the same date  
6 as the nurse's then current license as a registered nurse is  
7 scheduled to expire. The license as a certified nurse  
8 practitioner shall thereafter be renewed biennially on the same  
9 date as the nurse's license as a registered nurse.

10 (3) As a condition for biennial renewal by the Board of a  
11 license as a certified nurse practitioner, the nurse must do all  
12 of the following:

13 (i) Maintain a current license in this Commonwealth as a  
14 registered nurse.

15 (ii) Maintain current certification through a Board-  
16 recognized national certification program in the particular  
17 clinical specialty area or population focus in which the nurse  
18 is licensed as a certified nurse practitioner by the Board.

19 (iii) In the two years prior to renewal, complete at least  
20 thirty (30) hours of continuing education approved by the Board.  
21 In the case of a certified nurse practitioner who is prescribing  
22 medical therapeutic or corrective measures under section 8.3,  
23 that continuing education must include at least sixteen (16)  
24 hours in pharmacology in that two-year period.

25 (d) The Board shall establish a procedure by which a license  
26 as a certified nurse practitioner may be amended prior to the  
27 biennial renewal date in order to authorize a nurse to practice  
28 in a particular clinical specialty area or population focus in  
29 which the nurse was not certified on the effective date of this  
30 section or on the date on which the nurse's current license as a

1 certified nurse practitioner was issued or renewed. The Board  
2 shall authorize a certified nurse practitioner to practice in an  
3 additional clinical specialty area or population focus only if  
4 the nurse holds current certification from a Board-recognized  
5 national certification program which required the passing of a  
6 national certifying examination in the additional clinical  
7 specialty area or population focus.

8 (e) (1) The use of the terms "certified registered nurse  
9 practitioner," "registered nurse practitioner," "certified nurse  
10 practitioner" and "nurse practitioner" in any other act shall be  
11 deemed to include a person licensed as a certified nurse  
12 practitioner under this section or section 7(b).

13 (2) A registered nurse who is licensed by the Board as a  
14 certified nurse practitioner in a particular clinical specialty  
15 area or population focus is entitled to use the title "advanced  
16 practice registered nurse-certified nurse practitioner" and the  
17 letters "A.P.R.N.-C.N.P." It shall be unlawful for any other  
18 person to use the title "advanced practice registered nurse-  
19 certified nurse practitioner" or the letters "A.P.R.N.-C.N.P."

20 (f) (1) A certified nurse practitioner may form a  
21 professional corporation with one or more of the following:

22 (i) Other registered nurses.

23 (ii) Other health care practitioners who treat human  
24 ailments and conditions and are licensed to provide health care  
25 services in this Commonwealth without receiving a referral or  
26 supervision from another health care practitioner.

27 (2) This subsection shall be construed to abrogate the  
28 requirement that the State Board of Medicine and the State Board  
29 of Osteopathic Medicine expressly authorize the combined  
30 practice of certified nurse practitioners with doctors of

1 medicine or doctors of osteopathic medicine, respectively, found  
2 in 15 Pa.C.S. § 2903(d)(a)(ii) (relating to formation of  
3 professional corporations).

4 Section 8.9. Additional Qualifications.--(a) A certified  
5 nurse practitioner who has engaged in the practice of  
6 professional nursing as a certified nurse practitioner or  
7 certified registered nurse practitioner in collaboration with a  
8 physician for a period of not less than three (3) years and not  
9 less than three thousand six hundred (3,600) hours in accordance  
10 with a collaborative or written agreement with a physician as  
11 required under sections 8.2 and 8.3 shall not be subject to the  
12 requirement that the certified nurse practitioner act in  
13 collaboration with a physician or in accordance with a  
14 collaborative or written agreement with a physician as required  
15 under sections 8.2 and 8.3.

16 (b) A certified nurse practitioner who qualifies for the  
17 exception from the collaboration requirement as provided under  
18 this section shall file a form with the Board attesting to  
19 having engaged in the practice of professional nursing in  
20 collaboration with a physician for a period of not less than  
21 three (3) years and not less than three thousand six hundred  
22 (3,600) hours under subsection (a). The form shall be developed  
23 by the Board by regulation.

24 (c) A registered nurse who was licensed or certified by  
25 another state, territory or possession of the United States or a  
26 foreign country and received a license as a certified nurse  
27 practitioner issued by the Board or a temporary practice permit  
28 to practice as a certified nurse practitioner under section 4.1  
29 may qualify for the exception from the collaboration requirement  
30 as provided under this section if the certified nurse

1 practitioner satisfactorily demonstrates to the Board the  
2 completion of no less than three (3) years and no less than  
3 three thousand six hundred (3,600) hours of practice in  
4 collaboration with a physician deemed equivalent to the  
5 requirements under subsection (a), which occurred in  
6 Pennsylvania or in one or more other states, territories or  
7 possessions of the United States or foreign countries where the  
8 certified nurse practitioner was previously, or is currently,  
9 licensed.

10 Section 6. The following apply:

11 (1) Within 90 days after the effective date of this  
12 section, the State Board of Nursing, the Department of  
13 Health, the Department of Human Services and other affected  
14 agencies shall initiate the promulgation of any regulations  
15 necessary to carry out the amendment or addition of the  
16 following provisions of the act:

17 (i) Section 2(1), (10), (14), (16), (17), (18),  
18 (19), (20) and (21).

19 (ii) Section 2.1(1).

20 (iii) Section 3.1(b).

21 (iv) Section 4.1.

22 (v) Section 7(b).

23 (vi) Section 8.2.

24 (vii) Section 8.3.

25 (viii) Section 8.4.

26 (ix) Section 8.7.

27 (x) Section 8.8.

28 (xi) Section 8.9.

29 (2) The promulgation of regulations shall not be a  
30 condition precedent to the applicability of the provisions of

1 the act referenced under paragraph (1).

2 Section 7. This act shall take effect in 60 days.