

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **848** Session of
2021INTRODUCED BY MENSCH, BARTOLOTTA, LANGERHOLC, STEFANO, TOMLINSON
AND BOSCOLA, AUGUST 27, 2021

AS AMENDED ON THIRD CONSIDERATION, MAY 23, 2022

AN ACT

1 Amending the act of April 27, 1905 (P.L.312, No.218), entitled
2 "An act creating a Department of Health, and defining its
3 powers and duties," further providing for the administrative
4 structure of the Department of Health, establishing the
5 office of Chief Nursing Officer of the Commonwealth and
6 providing for the powers and duties of the Chief Nursing
7 Officer of the Commonwealth.

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

10 Section 1. Section 1 of the act of April 27, 1905 (P.L.312,
11 No.218), entitled "An act creating a Department of Health, and
12 defining its powers and duties," is amended to read:

13 Section 1. Be it enacted, &c., (a) The Department of Health
14 shall consist of a Secretary of Health, an advisory board [and],
15 a Physician General[.]

16 (b) The secretary shall be the head of the department, and
17 shall be appointed by the Governor, with the advice and consent
18 of the Senate. The secretary shall be either a graduate of an
19 accredited medical or osteopathic medical school who is a
20 practicing physician licensed by the Commonwealth or an

1 individual with professional experience in the field of public
2 health, health services delivery or education or training of
3 health service professionals. The secretary shall serve at the
4 pleasure of the Governor.

5 (c) There shall be an office of Physician General within the
6 administrative structure of the department. The Physician
7 General shall be appointed by the Governor by and with the
8 advice and consent of the Senate. The department shall provide
9 adequate staff and other support as needed. The Physician
10 General shall be a graduate of an accredited medical or
11 osteopathic medical school and shall be a practicing physician
12 licensed by the Commonwealth. The Physician General shall serve
13 at the pleasure of the Governor. The Physician General shall:

14 (1) Advise the Governor and the secretary on health policy.

15 (2) Participate in the decision-making process of the
16 department on policies relating to all medical and public
17 health-related issues and in the decision-making process of
18 other executive branch agencies as directed by the Governor.

19 (3) Review professional standards and practices in medicine
20 and public health which are related to matters within the
21 jurisdiction of the department and other executive branch
22 agencies.

23 (4) Consult with recognized experts on medical and public
24 health matters which are within the jurisdiction of the
25 department and other executive branch agencies.

26 (5) Provide advice on medical and public health issues to
27 the secretary and to other executive branch agencies.

28 (6) Coordinate educational, informational and other programs
29 for the promotion of wellness, public health and related medical
30 issues in this Commonwealth and serve as the primary advocate

1 for these programs.

2 (7) Consult with experts in this Commonwealth and other
3 states regarding medical research, innovation and development
4 which relate to programs and issues of importance to the
5 department and the Commonwealth.

6 (8) Perform such other duties as directed by the Governor.

7 (9) When the secretary is not a physician, serve as a voting
8 member of the State Board of Medicine and the State Board of
9 Osteopathic Medicine. The Physician General may provide a
10 designee to serve in his or her stead. The salary and other
11 conditions of employment shall be set by the Executive Board.]
12 and a Chief Nursing Officer of the Commonwealth.

13 (b) The following apply to the Secretary of Health:

14 (1) The secretary shall be the head of the department and
15 shall be appointed by the Governor, with the advice and consent
16 of the Senate.

17 (2) The secretary shall be:

18 (i) a graduate of an accredited medical or osteopathic
19 medical school and a practicing physician licensed by the
20 Commonwealth; or

21 (ii) an individual with professional experience in the field
22 of public health, health services delivery or education or
23 training of health service professionals.

24 (3) The secretary shall serve at the pleasure of the
25 Governor.

26 (c) The following apply to the Physician General:

27 (1) There shall be an office of Physician General within the
28 administrative structure of the department.

29 (2) The Physician General shall be appointed by the
30 Governor, with the advice and consent of the Senate.

1 (3) The department shall provide adequate staff and other
2 support as needed for the Physician General.

3 (4) The Physician General shall be:

4 (i) a graduate of an accredited medical or osteopathic
5 medical school; and

6 (ii) a practicing physician licensed by the Commonwealth.

7 (5) The Physician General shall serve at the pleasure of the
8 Governor.

9 (6) The Physician General shall:

10 (i) Advise the Governor and the secretary on health policy.

11 (ii) Participate in the decision-making process of the
12 department on policies relating to all medical and public
13 health-related issues and in the decision-making process of
14 other executive branch agencies as directed by the Governor.

15 (iii) Review professional standards and practices in
16 medicine and public health which are related to matters within
17 the jurisdiction of the department and other executive branch
18 agencies.

19 (iv) Consult with recognized experts on medical and public
20 health matters which are within the jurisdiction of the
21 department and other executive branch agencies.

22 (v) Provide advice on medical and public health issues to
23 the secretary and to other executive branch agencies.

24 (vi) Coordinate educational, informational and other
25 programs for the promotion of wellness, public health and
26 related medical issues in this Commonwealth and serve as the
27 primary advocate for these programs.

28 (vii) Consult with experts in this Commonwealth and other
29 states regarding medical research, innovation and development
30 which relate to programs and issues of importance to the

1 department and the Commonwealth.

2 (viii) Perform other duties as directed by the Governor.

3 (ix) When the secretary is not a physician, serve as a
4 voting member of the State Board of Medicine and the State Board
5 of Osteopathic Medicine.

6 (7) The Physician General may provide a designee to serve in
7 the Physician General's stead.

8 (8) The salary and other conditions of employment for the
9 Physician General shall be set by the Executive Board.

10 (c.1) The following apply to the Chief Nursing Officer of
11 the Commonwealth:

12 (1) There shall be an office of Chief Nursing Officer of the
13 Commonwealth within the administrative structure of the
14 department.

15 (2) The Chief Nursing Officer of the Commonwealth shall be
16 appointed by the Governor with the advice and consent of the
17 Senate.

18 (3) The department shall provide adequate staff and other
19 support as needed for the Chief Nursing Officer of the
20 Commonwealth.

21 (4) The Chief Nursing Officer of the Commonwealth shall be:

22 (i) a graduate of an accredited school of nursing;

23 (ii) a practicing nurse licensed by the Commonwealth; and

24 (iii) a registered nurse with an unencumbered license issued
25 by the Commonwealth who has at least ten years of working
26 experience as a registered nurse, INCLUDING AT LEAST FIVE YEARS <--
27 PROVIDING DIRECT CARE TO PATIENTS, and who has an advanced
28 degree in nursing or public health.

29 (5) The Chief Nursing Officer of the Commonwealth shall
30 serve at the pleasure of the Governor.

1 (6) The Chief Nursing Officer of the Commonwealth shall:

2 (i) Advise the Governor and the secretary on health policy.

3 (ii) Participate in the decision-making process of the
4 department on policies relating to all nursing and public
5 health-related issues and in the decision-making process of
6 other executive branch agencies as directed by the Governor.

7 (iii) Review professional standards and practices in nursing
8 and public health which are related to matters within the
9 jurisdiction of the department and other executive branch
10 agencies.

11 (iv) Consult with recognized experts on nursing and public
12 health matters which are within the jurisdiction of the
13 department and other executive branch agencies.

14 (v) Provide advice on nursing and public health issues to
15 the secretary and to other executive branch agencies.

16 (vi) Coordinate educational, informational and other
17 programs for the promotion of wellness, public health and
18 related nursing issues in this Commonwealth and serve as the
19 primary advocate for these programs.

20 (vii) Consult with experts in this Commonwealth and other
21 states regarding health care research, innovation and
22 development which relate to programs and issues of importance to
23 the department and the Commonwealth.

24 (viii) Perform other duties as directed by the Governor.

25 (ix) Serve as a voting member of the State Board of Nursing.

26 The following apply:

27 (A) The Chief Nursing Officer of the Commonwealth shall
28 serve as one of the six registered nurses appointed by the
29 Governor to serve on the State Board of Nursing. The majority of
30 the members elected to the Senate shall not advise and consent

1 to the Chief Nursing Officer of the Commonwealth serving on the
2 State Board of Nursing.

3 (B) The Chief Nursing Officer of the Commonwealth may
4 appoint a designee to serve on the State Board of Nursing. If
5 the Chief Nursing Officer of the Commonwealth appoints a
6 designee, the designee shall be a registered nurse and shall
7 only serve as the designee with the advice and consent of the
8 majority of the members elected to the Senate.

9 (C) Upon the first vacancy on the State Board of Nursing
10 after the effective date of this clause, through the death,
11 resignation, disqualification or term expiration of a member of
12 the State Board of Nursing, the Chief Nursing Officer of the
13 Commonwealth, or the designee of the Chief Nursing Officer of
14 the Commonwealth in accordance with clause (B), shall become a
15 member of the State Board of Nursing. The position of Chief
16 Nursing Officer of the Commonwealth, or the designee of the
17 Chief Nursing Officer of the Commonwealth, shall become a
18 permanent designated member of the State Board of Nursing.

19 (7) Funds from the Professional Licensure Augmentation
20 Account shall be provided to the department for use in the
21 performance of the duties of the office of Chief Nursing Officer
22 of the Commonwealth.

23 (8) Nothing in this subsection shall permit the Chief
24 Nursing Officer of the Commonwealth to act independently of the
25 secretary.

26 (d) The department shall have an official seal.

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