

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 853 Session of 2015

INTRODUCED BY ARGALL, YUDICHAK, VULAKOVICH, SCAVELLO, STEFANO,
GREENLEAF, RAFFERTY, SCARNATI, SCHWANK, ALLOWAY AND
HUTCHINSON, MAY 28, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MAY 28, 2015

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," providing
8 for delegation of functions necessary for the support of
9 nursing services.

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

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

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

18 * * *

19 (16) "Delegate" or "delegation" means the transfer of
20 responsibility for the performance of a task or function from

1 the professional nurse to another individual who may or may not
2 be a health care provider, licensed or unlicensed, while
3 retaining accountability for the outcome.

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

5 Section 4.2. Delegation of Functions.--(a) A registered
6 nurse may delegate a function if all of the following conditions
7 are met:

8 (1) The delegation is consistent with the scope and
9 standards of acceptable nursing practice as defined by license
10 or certificate or otherwise authorized by law.

11 (2) The delegation is not prohibited by statute or
12 regulation, including regulations promulgated by the board.

13 (3) The registered nurse has knowledge that the individual
14 to whom the function is being delegated has the requisite
15 education, training, experience and continued competency to
16 safely perform the delegated function.

17 (4) The registered nurse has determined that the delegation
18 does not create an undue risk to the patient.

19 (b) A registered nurse shall be responsible for the
20 delegated function in accordance with subsection (a). A
21 registered nurse's responsibility for the delegated task is not
22 limited by any provisions of this section.

23 (c) A registered nurse may not delegate a task that:

24 (1) requires knowledge and skill beyond the validated
25 competencies of the individual to whom the function is being
26 delegated; or

27 (2) the registered nurse is not educated, trained and
28 competent to perform.

29 (d) Nothing in this section may be construed as limiting the
30 authority of a physician to delegate as contained within the act

1 of December 20, 1985 (P.L.457, No.112), known as the "Medical
2 Practice Act of 1985."

3 (e) Within 180 days of the effective date of this section,
4 the board shall promulgate regulations that establish criteria
5 pursuant to which a registered nurse may delegate the
6 performance of nursing functions.

7 Section 3. This act shall take effect in 60 days.