

No. 2002-99

AN ACT

HB 497

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," regulating the practice and licensure of dietetics and nutrition; further providing for penalties; and making an appropriation.

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

Section 1. Section 2 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, is amended by adding clauses 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:

* * *

(7) *The "Practice of dietetics-nutrition" means the integration and application of principles derived from the sciences of food nutrition, biochemistry, physiology, management and behavior to provide for all aspects of nutrition therapy for individuals and groups, including nutrition therapy services and medical nutrition therapy, compatible with dietitian-nutritionist education and professional competence.*

(8) *"Department" means the Department of State of the Commonwealth.*

(9) *"Licensed dietitian-nutritionist" means a dietitian-nutritionist who holds a current license under this act.*

(10) *"Medical nutrition therapy" means the component of nutrition therapy that concerns determining and recommending nutrient needs based on nutritional assessment and medical problems relative to diets prescribed by a licensed physician, including:*

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

(11) *"Nutrition therapy services" means assessing the nutritional needs of individuals and groups, considering the resources and constraints in the practice setting, providing nutrition counseling in health and disease, developing, implementing and managing:*

- (i) *nutrition therapy of; and*
- (ii) *food service systems for*

individuals and groups and maintaining appropriate standards of quality in food and nutrition therapy services for individuals and groups.

Section 2. Sections 2.1 and 2.2 of the act, amended or added December 20, 1985 (P.L.409, No.109), are amended to read:

Section 2.1. State Board of Nursing.—(a) The State Board of Nursing shall consist of the Commissioner of Professional and Occupational Affairs, three members appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate, who shall be persons representing the public at large, and ~~[seven]~~ ***nine*** members appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate, ~~[five]~~ ***six*** of whom shall be registered nurses, graduated from schools of nursing where practical and theoretical instruction is given, at least three of whom shall possess Masters' degrees in nursing, ~~[and]~~ ***two*** of whom shall be licensed practical nurses[,] ***and one of whom shall be a licensed dietitian-nutritionist***, and all of whom shall have been engaged in nursing ***or the practice of dietetics-nutrition*** in this Commonwealth for the five-year period immediately preceding appointment. ***The dietitian-nutritionist member of the board initially appointed need not be licensed by the licensure examination adopted by the board but, at the time of appointment, must have satisfied the education and experience requirements of this act for licensure as a dietitian-nutritionist.*** In making appointments to the Board, the Governor shall give due consideration to providing representation from diversified fields of nursing ***or dietetics-nutrition***, including, but not limited to, specialized nurses ***or dietitian-nutritionists*** of all types. ***The persons representing the public at large may not have a financial interest in the provision of goods and services for dietitian-nutritionists and may not be a dietitian-nutritionist or have a household member who is a dietitian-nutritionist.***

(b) The terms of the members of the Board shall be six years or until his or her successor has been appointed and qualified but not longer than six months beyond the six-year period. In the event that any of said members shall die or resign or otherwise become disqualified during his or her term, his or her successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. No member shall be eligible for appointment to serve more than two consecutive terms.

(c) A majority of the members of the Board serving in accordance with law shall constitute a quorum. Except for temporary and automatic suspensions under section 15.1 of this act or section 17.1 of the act of March 2, 1956 (1955 P.L.1211, No.376), known as the "Practical Nurse Law," a member may not be counted as part of a quorum or vote on any issue, unless he or she is physically in attendance at the meeting.

(d) The Board shall select annually a chairman from among its members. The Board shall select an executive secretary who, with the approval of the Commissioner of Professional and Occupational Affairs, need not be a member of the Board.

(e) Each member of the Board, except the Commissioner of Professional and Occupational Affairs, shall receive sixty dollars (\$60) per diem when actually attending to the work of the Board. Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(f) The Board is subject to evaluation, review and termination within the time and in the manner provided in the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act."

(g) A member of the Board who fails to attend three consecutive meetings shall forfeit his or her seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

(h) A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," shall forfeit his or her seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

(i) The Board, with the approval of the Commissioner of Professional and Occupational Affairs, shall also appoint and fix the compensation of one or more State educational advisors of schools of nursing and one or more State practice advisors, who shall have the same qualifications as the nurse members of the Board who hold Masters' degrees in nursing.

(j) The Board shall meet at least once every two months and at such additional times as may be necessary to conduct the business of the Board.

(k) The Board shall have the right and duty to establish rules and regulations for the practice of professional nursing, *the practice of dietetics-nutrition* and the administration of this act. Copies of such rules and regulations shall be available for distribution to the public.

Section 2.2. Communication with Licensees.—The Board shall communicate with licensees on issues affecting the education, practice and regulation of nursing *or dietetics-nutrition* on at least an annual basis.

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

Section 3.1. Dietitian-Nutritionist License Required.—(a) It shall be unlawful for any individual to hold himself or herself forth as a licensed dietitian-nutritionist unless he or she shall first have obtained a license pursuant to this act. Only individuals who have received licenses as licensed dietitian-nutritionists pursuant to this act may use the letters "L.D.N." in connection with their names.

(b) Nothing in this section shall be construed to require or preclude third-party insurance reimbursement. Nothing herein shall preclude an insurer or other third-party payor from requiring that a licensed dietitian-

nutritionist obtain a referral from a licensed physician, dentist or podiatrist or that a licensed dietitian-nutritionist file an evaluation and treatment plan with the insurer or third-party payor as a precondition of reimbursement.

Section 4. Section 5 of the act, amended or added December 20, 1985 (P.L.409, No.109) and December 15, 1986 (P.L.1607, No.179), is amended to read:

Section 5. Examinations and Certificates.—(a) The Board shall, once every year and at such other times and under such conditions as shall be provided by its regulations, examine all eligible applicants for licensure; and shall, subject to the provisions of section 6 of this act, issue a license to each person passing said examination to the satisfaction of the Board.

(b) The Board may admit to examination any person who has satisfactorily completed an approved nursing education program for the preparation of registered professional nurses *or an approved dietetics-nutrition education program* in Pennsylvania or such a program in any other state, territory or possession of the United States, considered by the Board to be equivalent to that required in this Commonwealth at the time such program was completed, and who meets the requirements of character and preliminary education.

(c) The Board may admit to examination any person who has satisfactorily completed a nursing education program for the preparation of registered professional nurses *or an approved dietetics-nutrition education program* in a country or territory not mentioned above who has been licensed, registered, or duly recognized there as a professional nurse, *dietitian-nutritionist, dietitian or nutritionist* provided such a program is considered by the Board to be equal to that required in this Commonwealth at the time such program was completed and who meets the requirements of character and preliminary education.

(d) In establishing the education requirements for admittance to the nursing licensure examination under this section, the Board shall not deny access to the examination for licensure as a registered nurse to a graduate of a State-approved associate degree, diploma or baccalaureate degree nursing program.

(e) *A person who meets the requirements of section 6 and who, in addition, has been engaged in the practice of dietetics-nutrition for a period of five (5) years during the seven (7) years immediately preceding the effective date of this subsection or a person who provides evidence of current registration as a registered dietitian-nutritionist by the Commission of Dietetic Registration of the American Dietetic Association shall be considered to meet the requirements of this act. This person shall be licensed without the necessity of taking the examination if an application is made to the Board within one (1) year of the effective date of this subsection and the appropriate fee is paid.*

Section 5. Section 6 of the act, amended December 15, 1986 (P.L.1607, No.179), is amended to read:

Section 6. Fees; Qualifications for Licensure.—(a) No application for licensure as a registered nurse shall be considered unless accompanied by a fee determined by the Board by regulation. Every applicant, to be eligible for examination for licensure as a registered nurse, shall furnish evidence satisfactory to the Board that he or she is of good moral character, has completed work equal to a standard high school course as evaluated by the Board and has satisfactorily completed an approved program of professional nursing. Approved programs shall include baccalaureate degree, associate degree [and], diploma nursing programs *and programs in transition from approved diploma- to degree-granting programs when all other requirements of the Board have been met.*

(b) An applicant applying for licensure as a dietitian-nutritionist shall submit a written application on forms provided by the Board evidencing and insuring to the satisfaction of the Board that the applicant:

(1) Is of good moral character.

(2) Has received a baccalaureate or higher degree from a Board-approved, regionally accredited college or university, including a major course of study in human nutrition, food and nutrition, dietetics or food systems management.

(3) Has completed a planned continuous preprofessional experience component in dietetic practice of not less than nine hundred (900) hours under the supervision of a registered dietitian, a dietitian-nutritionist licensed under this act or an individual with a doctoral degree conferred by a regionally accredited college or university in the United States with a major course of study in human nutrition, food and nutrition, nutrition education, dietetics or food systems management as approved by the Board.

(4) Has satisfactorily completed an examination approved by the Board. The Board shall contract with a professional testing organization for the examination of qualified applicants for licensure. All written, oral and practical examinations shall be prepared and administered by a qualified and approved professional testing organization in the manner prescribed for written examinations by section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(c) The Board shall not issue a license or certificate to an applicant who has 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 unless:

(1) at least ten (10) years have elapsed from the date of conviction;

(2) the applicant satisfactorily demonstrates to the Board that he has made significant progress in personal rehabilitation since the conviction

such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations; and

(3) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

As used in this subsection the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere. 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.

Section 6. Sections 7, 8, 11, 11.1 and 13 of the act, amended or added December 20, 1985 (P.L.409, No.109), are amended to read:

Section 7. Graduates of Schools of Other States, Territories or Dominion of Canada.—(a) The Board may issue a license without examination to a graduate of a school of nursing *or a dietetics-nutrition program* who has completed a course of study in nursing *or dietetics-nutrition* considered by the Board to be equivalent to that required in this State at the time such course was completed, and who is registered or licensed by examination in any other state, or territory of the United States or the Dominion of Canada, and who has met all the foregoing requirements as to character, and preliminary education.

(b) The Board may issue a certification to registered nurse practitioners who have completed a course of study considered by the Board to be equivalent to that required in this State at the time such course was completed or who is licensed or certified by another state, territory or possession of the United States or a foreign country as deemed equivalent to Pennsylvania's certification requirements in accordance with the joint rules and regulations of the Boards of Nursing and Medicine.

Section 8. Persons Entitled to Practice.—(a) The Board shall issue to each person who meets the *professional nursing* licensure requirements of this act, a certificate setting forth that such person is licensed to engage in the practice of professional nursing and entitled to use the title "registered nurse" and the letters "R.N."

(b) *The Board shall issue to each person who meets the dietitian-nutritionist licensure requirements of this act a certificate setting forth that such person is licensed as a dietitian-nutritionist and entitled to use the title "licensed dietitian-nutritionist" and the letters "L.D.N." A record of all persons licensed as dietitian-nutritionists in this Commonwealth shall be kept in the office of the Board and shall be open to public inspection and copying upon payment of a nominal fee for copying the record.*

Section 11. Licenses; Duration; Renewal Fee; Inactive Status.—(a) Licenses issued pursuant to this act shall expire on the thirty-first day of October of each biennium, or on such other biennial expiration date as may be established by regulation of the Board. Application for

renewal of a license shall biennially be forwarded to each registrant holding a current license prior to the expiration date of the current renewal biennium. The application form may be completed and returned to the Board, accompanied by the required fee as determined by the Board by regulation; upon approval of each application, the applicant shall receive a renewal of license.

(b) Any registrant licensed under this act may request an application for inactive status. The application form may be completed and returned to the Board. Upon receipt of each application, the applicant shall be maintained on inactive status without fee and shall be entitled to apply at any time. Any person who requests an active status license who has been on inactive status for a period of five (5) consecutive years shall prior to receiving an active license satisfy the requirements of the Board's regulations for ensuring continued competence and remit the required fee. A person shall not be denied active status as a result of any increased educational requirements for licensure since the time he or she received his or her original license.

(c) A dietetics-nutrition license issued under this act shall not be renewed unless the licensee applying for renewal submits proof to the Board that during the two (2) calendar years immediately preceding the application for renewal the licensee has satisfactorily completed a minimum of thirty (30) hours of continuing dietetic-nutrition education approved by the Board by regulation.

Section 11.1. Reporting of Multiple Licensure.—Any licensed professional nurse *or dietitian-nutritionist* of this Commonwealth who is also licensed to practice nursing *or dietetics-nutrition* in any other state, territory, possession or country shall report this information to the Board on the biennial registration application. Any disciplinary action taken in other states shall be reported to the Board on the biennial registration application or within ninety (90) days of final disposition, whichever is sooner. Multiple licensure shall be noted by the Board on the [nurse's] *licensee's* record, and such state, territory, possession or country shall be notified by the Board of any disciplinary actions taken against said [nurse] *licensee* in this Commonwealth.

Section 13. Punishment for Violations.—(a) Any person, or the responsible officers or employees of any corporation, copartnership, institution or association violating any of the provisions of this act, or any rule or regulation of the Board, commits a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000), or undergo imprisonment for not more than six (6) months for the first violation. On the second and each subsequent conviction, he shall be sentenced to pay a fine of not more than two thousand dollars (\$2,000), or undergo imprisonment for not less than six (6) months or more than one (1) year in jail, or both.

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the Board, by a vote of the majority of the maximum number

of the authorized membership of the Board as provided by law or by a vote of the majority of the duly qualified and confirmed membership or a minimum of five (5) members, whichever is greater, may levy a civil penalty of up to one thousand dollars (\$1,000) on any current licensee who violates any provision of this act or on any person who practices nursing *or holds himself or herself forth as a licensed dietitian-nutritionist* without being properly licensed to do so under this act or on the responsible officers or employes of any corporation, copartnership, institution or association violating any of the provisions of this act. The Board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 7. Section 14 of the act, amended or added December 20, 1985 (P.L.409, No.109) and May 27, 1994 (P.L.248, No.35), is amended to read:

Section 14. Refusal, Suspension or Revocation of Licenses.—(a) The Board may refuse, suspend or revoke any license in any case where the Board shall find that—

(1) The licensee is on repeated occasions negligent or incompetent in the practice of professional nursing *or dietetics-nutrition*.

(2) The licensee is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue. In enforcing this clause (2), the Board shall, upon probable cause, have authority to compel a licensee to submit to a mental or physical examination as designated by it. After notice, hearing, adjudication and appeal as provided for in section 15, failure of a licensee to submit to such examination when directed shall constitute an admission of the allegations against him or her unless failure is due to circumstances beyond his or her control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume a competent practice of professional nursing with reasonable skill and safety to patients.

(2.1) The licensee is unable to practice dietetics-nutrition with reasonable skill and safety to individuals or groups by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination so long as such dependence shall continue. In enforcing this clause (2.1), the Board shall upon probable cause have authority to compel a licensee to submit to a mental or physical examination as designated by it. After notice, hearing, adjudication and appeal as provided for in section 15, failure of a licensee to submit to such examination when directed shall constitute an

admission of the allegations against him or her unless failure is due to circumstances beyond his or her control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume a competent practice of dietetics-nutrition with reasonable skill and safety to individuals or groups.

(3) The licensee has wilfully or repeatedly violated any of the provisions of this act or of the regulations of the Board.

(4) The licensee has committed fraud or deceit in:

(i) the practice of nursing, or in securing his or her admission to such practice or nursing school; *or*

(ii) *the practice of dietetics-nutrition or in securing his or her license as a dietitian-nutritionist.*

(5) The licensee has been convicted, or has pleaded guilty, or entered a plea of nolo contendere, or has been found guilty by a judge or jury, of a felony or a crime of moral turpitude, or has received probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, in the courts of this Commonwealth, the United States or any other state, territory, possession or country.

(6) The licensee has his or her license suspended or revoked or has received other disciplinary action by the proper licensing authority in another state, territory, possession or country.

(7) The licensee has acted in such a manner as to present an immediate and clear danger to the public health or safety.

(8) The licensee possessed, used, acquired or distributed a controlled substance or caution legend drug for other than an acceptable medical purpose.

(9) The licensee has been guilty of immoral or unprofessional conduct. Unprofessional conduct shall include departure from or failing to conform to an ethical or quality standard of the profession. The ethical and quality standards of the profession are those embraced by the professional community in this Commonwealth. In proceedings based on this clause, actual injury to a patient *or individual or group* need not be established.

(b) When the Board finds that the license of any nurse *or dietitian-nutritionist* may be refused, revoked or suspended under the terms of subsection (a), the Board may:

(1) Deny the application for a license.

(2) Administer a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict a license as determined by the Board.

(4) Require a licensee to submit to the care, counseling or treatment of a physician or a psychologist designated by the Board.

(5) Suspend enforcement of its finding thereof and place a licensee on probation with the right to vacate the probationary order for noncompliance.

(6) Restore or reissue, in its discretion, a suspended license to practice professional or practical nursing *or dietetics-nutrition* and impose any disciplinary or corrective measure which it might originally have imposed.

Section 8. Section 14.1 of the act, added December 20, 1985 (P.L.409, No.109), is amended to read:

Section 14.1. Impaired [Nurses] *Professionals* Program.—(a) The Board, with the approval of the Commissioner of Professional and Occupational Affairs, shall appoint and fix the compensation of a professional consultant who is a licensee of the Board with education and experience in the identification, treatment and rehabilitation of persons with physical or mental impairments. Such consultant shall be accountable to the Board and shall act as a liaison between the Board and treatment programs, such as alcohol and drug treatment programs licensed by the Department of Health, psychological counseling and impaired [nurses] *professionals* support groups approved by the Board and which provide services to [nursing] licensees *under this act*.

(b) The Board may defer and ultimately dismiss any of the types of corrective action set forth in this act for an impaired professional so long as the licensee is progressing satisfactorily in an approved treatment program, provided that the provisions of this subsection shall not apply to a licensee who has been convicted of, pleaded guilty to or entered a plea of nolo contendere to 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 the conviction 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 approved program provider shall, upon request, disclose to the consultant such information in its possession regarding an impaired [nurse] *professional* in treatment which the program provider is not prohibited from disclosing by an act of this Commonwealth, another state or the United States. Such requirement of disclosure by an approved program provider shall apply in the case of impaired professionals who enter an agreement in accordance with this section, impaired professionals who are the subject of a Board investigation or disciplinary proceeding and impaired professionals who voluntarily enter a treatment program other than under the provisions of this section but who fail to complete the program successfully or to adhere to an after-care plan developed by the program provider.

(c) An impaired professional who enrolls in an approved treatment program shall enter into an agreement with the Board under which the professional's license shall be suspended or revoked but enforcement of that suspension or revocation may be stayed for the length of time the professional remains in the program and makes satisfactory progress, complies with the terms of the agreement, and adheres to any limitations on

his practice imposed by the Board to protect the public. Failure to enter into such an agreement shall disqualify the [nurse] *professional* from the impaired [nurse] *professional* program and shall activate an immediate investigation and disciplinary proceeding by the Board.

(d) If, in the opinion of such consultant after consultation with the provider, an impaired [nurse] *professional* who is enrolled in an approved treatment program has not progressed satisfactorily, the consultant shall disclose to the Board all information in his or her possession regarding such [nurse] *professional*, and the Board shall institute proceedings to determine if the stay of the enforcement of the suspension or revocation of the impaired professional's license shall be vacated.

(e) An approved program provider who makes a disclosure pursuant to this section shall not be subject to civil liability for such disclosure or its consequences.

(f) Any hospital or health care facility, peer or colleague who has substantial evidence that a [nurse] *professional* has an active addictive disease for which the professional is not receiving treatment, is diverting a controlled substance or is mentally or physically incompetent to carry out the duties of his license shall make or cause to be made a report to the Board: Provided, That any person or facility who acts in a treatment capacity to impaired [nurses] *professionals* in an approved treatment program is exempt from the mandatory reporting requirement of this subsection. Any person or facility who reports pursuant to this section in good faith and without malice shall be immune from any civil or criminal liability arising from such report. Failure to provide such report within a reasonable time from receipt of knowledge of impairment shall subject the person or facility to a fine not to exceed one thousand dollars (\$1,000). The Board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 9. Sections 15.2 and 15.4 of the act, added December 20, 1985 (P.L.409, No.109), are amended to read:

Section 15.2. Reinstatement of License.—Unless ordered to do so by Commonwealth Court or an appeal therefrom, the Board shall not reinstate the license of a person to practice nursing *or dietetics-nutrition* which has been revoked. Any person whose license has been revoked may reapply for a license, after a period of at least five (5) years, but must meet all of the licensing qualifications of this act for the license applied for, to include the examination requirement, if he or she desires to practice at any time after such revocation.

Section 15.4. Injunction or Other Process.—It shall be unlawful for any person to practice or attempt to offer to practice nursing *or hold himself or herself forth as a licensed dietitian-nutritionist*, as defined in this act, without having at the time of so doing a valid, unexpired, unrevoked and unsuspended license issued under this act. The unlawful practice of nursing

as defined in this act may be enjoined by the courts on petition of the Board or the Commissioner of Professional and Occupational Affairs. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If it is determined that the respondent has engaged in the unlawful practice of nursing, the court shall enjoin him or her from so practicing unless and until he or she has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit. The remedy by injunction hereby given is in addition to any other civil or criminal prosecution and punishment.

Section 10. The sum of \$95,000, or as much thereof as may be necessary, is hereby appropriated from the Professional Licensure Augmentation Account in the General Fund to the Bureau of Professional and Occupational Affairs in the Department of State for the operation of the State Board of Nursing for the additional duties imposed by this act. The appropriation shall be repaid by the board within three years of the beginning of issuance of dietitian-nutritionist licenses by the board.

Section 11. The State Board of Nursing shall promulgate all regulations required to implement this act within two years of the effective date of this act.

Section 12. This act shall take effect in 90 days.

APPROVED—The 29th day of June, A.D. 2002.

MARK S. SCHWEIKER