

No. 2007-48

AN ACT

HB 1253

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 providing for scope of practice for certified registered nurse practitioners; and providing for professional liability.

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

Section 1. Section 8.2 of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, added December 9, 2002 (P.L.1567, No.206), is amended to read:

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] *Except as provided in subsection (c.1)*, 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.

(c.1) Except as limited by subsection (c.2), and in addition to existing authority, a certified registered nurse practitioner shall have authority to do all of the following, provided that the certified nurse practitioner is acting within the scope of the certified registered nurse practitioner's collaborative or written agreement with a physician and the certified registered nurse practitioner's specialty certification:

- (1) Order home health and hospice care.*
- (2) Order durable medical equipment.*
- (3) Issue oral orders to the extent permitted by the health care facilities' by-laws, rules, regulations or administrative policies and guidelines.*
- (4) Make physical therapy and dietitian referrals.*
- (5) Make respiratory and occupational therapy referrals.*
- (6) Perform disability assessments for the program providing Temporary Assistance to Needy Families (TANF).*
- (7) Issue homebound schooling certifications.*

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

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

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

(2) Restrict the authority of a health care facility to determine the scope of practice and supervision or other oversight requirements for health care professionals practicing within the facility.

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

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

Section 3. The State Board of Nursing, the Department of Public Welfare, the State Board of Medicine and the Department of Health shall promulgate regulations to implement the amendment or addition of sections 8.2 and 8.7 of the act within 18 months of the effective date of this section.

Section 4. The following are repealed insofar as they are inconsistent with the amendment of section 8.2 of the act and the addition of section 8.7 of the act:

(1) Section 3.1(b) of the act.

(2) Section 9(a) of the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act.

(3) Section 14 of the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act.

(4) Section 13.1(d) of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

Section 5. This act shall take effect in 60 days.

APPROVED—The 20th day of July, A.D. 2007.

EDWARD G. RENDELL