

No. 69  
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 annual renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: "The Professional Nursing Law."

Section 1. This act shall be known and may be cited as "The Professional Nursing Law." Short Title.

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

(1) A person engages in the "Practice of Professional Nursing," within the meaning of this act, who performs any professional services requiring the application of principles of the biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease, or in the conservation of health.

(2) "Board" means the State Board of Nurse Examiners.

(3) "Approved" means approved by the State Board of Nurse Examiners.

Section 3. Except as provided in section four, it shall be unlawful for (i) any person not licensed under this act, (ii) any person not holding a current license issued under this act, or (iii) any person whose license has been suspended or revoked, to practice professional nursing. Unlawful practice.

Section 4. This act confers no authority to practice medicine or surgery, nor does it prohibit— Permitted acts.

(1) Services rendered by practical nurses, or home care of the sick by friends, domestic servants, nursemaids, companies, or household aides of any type, so long as such persons do not represent or hold themselves out to be licensed nurses, licensed registered nurses, or registered nurses; or use in connection with their names, any designation tending to imply that they are licensed to practice under the provisions of this act.

(2) Gratuitous care of the sick by friends or members of the family.

(3) Domestic administration of family remedies by any person.

(4) Nursing services by anyone in case of an immediate emergency.

(5) Nursing by a person temporarily in this State, in compliance with an engagement made outside of this State, which engagement requires that such person accompany and care for a patient while temporarily in this State: Provided, however, That said engagement shall not be \*of more than six (6) months' duration.

\* "of" omitted in original.

(6) Care of the sick, with or without compensation or personal profit, when done in connection with the practice of the religious tenets of any church by adherents thereof.

(7) Auxiliary services rendered by persons carrying out duties necessary for the support of nursing service, including those duties which involve minor nursing services for patients, performed in hospitals or elsewhere under the direction of licensed physicians or supervision of licensed registered nurses.

(8) Nursing services rendered by a student enrolled in an approved school of nursing, when these services are a part of the course of study.

(9) Nursing services rendered by a graduate of an approved school of nursing in Pennsylvania or any other state, working under qualified supervision, during the period not to exceed one (1) year between completion of his or her course of nursing education and notification of the results of a licensing examination taken by such person, and during such additional \*period as the Board may in each case especially permit.

(10) Nursing services rendered by a person who holds a current license or other evidence of the right to practice professional nursing, as that term is defined in this act, issued by any other state, territory or province of the United States or the Dominion of Canada, during the period that an application filed by such person for licensure in Pennsylvania is pending before the Board, or for a period of one (1) year, whichever period first expires.

(11) The practice of professional nursing, within the definition of this act, by any person lawfully qualified so to practice in another state, territory, province or country, when such person is engaged in the practice of nursing as an employee of the United States, or, if permitted by Federal law, as a citizen of a foreign country temporarily residing in Pennsylvania, for a period not to exceed one (1) year, for the purpose of post-graduate study and experience, certified to be such by the American Nurses' Association or other appropriate agency satisfactory to the Board.

Examination and  
issuance of  
certificate.

Section 5. The Board shall, once every year and at such other times and under such conditions as shall be provided by its regulations, examine all applicants eligible for examination to determine whether they are qualified to be licensed, and shall authorize the issue to each person passing said examination to the satisfaction of the Board of a proper certificate setting forth that such person has been licensed to practice as a licensed registered nurse.

\* "periods" in original.

Section 6. No application for licensure as a registered nurse shall be considered unless accompanied by a fee of ten dollars (\$10). 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 twenty (20) years of age or over, is a citizen of the United States or has legally declared an intention to become such, is of good moral character, has completed work equal to a standard high school course as evaluated by the Department of Public Instruction, and has graduated from a school of nursing which gives at least a two (2) years' course of instruction, or has received instruction in different schools of nursing and in other approved agencies with which such schools are affiliated for periods of time amounting to at least a two (2) years' course of instruction, and has then graduated. Such school or combination of schools of nursing must be on the approved list issued by the Board, as hereinafter provided. The course of instruction shall include, (1) principles of nursing based on biological, physical and social sciences; (2) responsible supervision of a patient involving skill in observation of symptoms and reactions and the accurate recording of the facts and carrying out of treatments and medication prescribed by a licensed physician; and (3) the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others.

Qualifications of applicants.

Course of instruction.

Section 7. (a) The Board may authorize the issue of a license without examination to a graduate of a school of nursing approved by the duly constituted agency in any other state, territory or province of the United States or the Dominion of Canada, who has completed a course of study in nursing considered by the Board to be equivalent to that required in this State at the time such course was completed, and who was registered or licensed in such other state, territory or province by examination and has met all the foregoing requirements as to age, character, citizenship and preliminary education.

Issuance of license without examination.

(b) The Board may admit to examination a graduate of a school of nursing in any other state, territory or province of the United States or the Dominion of Canada, which school was approved by the duly constituted agency thereof and is considered by the Board to satisfy current requirements of this State, and which graduate has met all the requirements as to age, character, citizenship and preliminary education, set forth in section six of this act.

Examination of graduates of schools of nursing outside State.

(c) The Board may admit to examination graduates of schools of nursing in other countries not mentioned above which are approved by the duly constituted agency thereof, provided such persons have been licensed or registered there and can meet current requirements in Pennsylvania.

Examination of graduates of schools in other countries.

Licensing of persons without examination; proviso.

(d) The Board may license persons without examination, providing such persons are graduates or have graduated, prior to the effective date of this act, of or from approved schools of nursing or of organized courses of nursing study in hospitals or schools of nursing in Pennsylvania or any other state, territory or province of the United States or the Dominion of Canada, which school or course, at the time of graduation of such persons, required the satisfactory completion of a course considered by the Board to be equivalent to the minimum requirements then in effect in Pennsylvania for the preparation of registered nurses; and providing further, that application for such licensure shall be filed with the Board by such persons on or before the thirtieth day of September, one thousand nine hundred fifty-two.

Further proviso.

Use of title "registered nurse" or "licensed registered nurse" and the letters "R.N."

Section 8. Every person legally entitled to practice as a registered nurse and to use the letters "R.N." at the time this act becomes effective shall be considered as licensed to practice under this act, and may continue to practice as such and use the title registered nurse and the letters "R.N." until the expiration of his or her current certificate of record, and may obtain a license automatically thereafter by making application and paying the fee, as herein provided, for the renewal of licenses. Every holder of a valid license issued pursuant to the provisions of this act shall be entitled to use the title "registered nurse" or "licensed registered nurse" and the letters "R.N."

Establishment of regulations.

Section 9. The Board shall, subject to the provisions of the Administrative Agency Law, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), and its amendments, have the right and duty to establish reasonable regulations for the administration of this act. Copies of such regulations shall be available to the persons who may be interested therein. The Board shall have no power in any way to fix prices or control the compensation received by any licensed registered nurse.

Lists of approved schools of nursing to be publicly distributed.

Section 10. The Board shall annually prepare and make available for public distribution lists of all schools of nursing or combinations of schools of nursing approved and classified by it, the graduates of which shall be eligible for examination for licensure as licensed registered nurses. The removal of any such school from the approved list shall not make any bona fide student therein at the time of said removal ineligible for examination upon satisfactory completion of the required program.

Licenses and renewal thereof.

Section 11. Each person, upon being licensed by the Board as a licensed registered nurse under the provisions of this act, shall, without additional fee therefor, be given a card to evidence such license, which shall be

valid during the current renewal year. Licenses issued pursuant to this act shall expire on the thirty-first day of October of each year, or on such other annual expiration date as the Board may fix. Application for renewal of a license shall annually be forwarded to each active registrant prior to the expiration date of the current renewal year. The application form shall be completed and returned to the Board, accompanied by the required fee of one dollar (\$1); upon approval of each application, the applicant shall receive a renewal of license.

The form and method of licensure and renewal shall be provided for by the Board in such manner as will enable it to carry into effect the purposes of this act. The Board shall maintain a record of all licenses issued under this act and of all renewals, as herein provided.

Section 12. Except as otherwise herein provided, it shall be unlawful for any person, association, copartnership, corporation or institution to—

Unlawful acts.

(1) Sell or fraudulently obtain or fraudulently furnish any nursing diploma, license, record or registration, or aid or abet therein; or

(2) Practice professional nursing, as defined by this act, under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed, or issue any diploma, license, record or registration unlawfully or under fraudulent representation or mistake of fact in a material regard; or

(3) While engaged in the performance of any nursing services, use in connection with his or her name the words "licensed nurse," "licensed registered nurse," "registered nurse," or letters "R.N.," or any designation tending to imply that he or she is a licensed registered nurse, unless he or she is licensed to so practice under the provisions of this act; or

(4) Otherwise violate any of the provisions of this act.

Section 13. Any person, or the responsible \*officers or employees of any corporation, copartnership, institution or association violating any of the provisions of this act, shall, upon summary conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50) for the first offense; for the second and any subsequent offenses, not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200); and in default of the payment of such fine and costs, to undergo imprisonment for a period not to exceed thirty (30) days.

Penalties.

Section 14. The Board may suspend or revoke any license in any case where the Board shall find that—

(1) The licensee is guilty of gross immorality.

(2) The licensee is unfit or incompetent by reason of negligence, habits, or other causes.

Causes for suspension or revocation of licenses.

\* "officer" in original.

(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 the practice of nursing, or in securing his or her admission to such practice.

(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 crime, or has been dishonorably discharged, or discharged under circumstances amounting to a dishonorable discharge, from the military forces of the United States or of any other country.

(6) The licensee is an habitual drunkard, or is addicted to the use of morphine, cocaine or other drugs having a similar effect, or if he or she has become mentally incompetent.

(7) The licensee is continuing to practice nursing when such licensee knows he or she has an infectious, communicable or contagious disease.

(8) The licensee has been guilty of unprofessional conduct, or such conduct as to require a suspension or revocation in the public interest.

(9) The licensee having obtained a license upon declaration of intention to become a citizen of the United States, has not become a citizen of the United States within seven (7) years after the date of such declaration of intention.

Procedure in cases of suspension or revocation of licenses.

Section 15. All suspensions and revocations shall be made only in accordance with the regulations of the Board, and only by majority vote of the members of the Board after a full and fair hearing before the Board. All actions of the Board shall be taken subject to the right of notice, hearing and adjudication, and the right of appeal therefrom, in accordance with the provisions of the Administrative Agency Law, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), or any amendment or reenactment thereof, relating to adjudication procedure. The Board, by majority action and in accordance with its regulations, may reissue any license which has been suspended or revoked.

Repealer.

Section 16. The following acts or parts of acts and their amendments are hereby repealed as respectively indicated:

Act of May 1, 1909, P. L. 321, repealed absolutely.

The act, approved the first day of May, one thousand nine hundred nine (Pamphlet Laws 321), entitled "An act to provide for State \*\*registration of nurses, to establish a State Board of Examiners in connection therewith, and to provide penalties for the violation of certain provisions regarding such registration," absolutely.

\* "nole" in original.

\*\* "registrations" in original.

The act, approved the thirteenth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws 988), entitled "An act providing for and regulating the State registration of nurses and licensed attendants, the annual recording of registration certificates; and regulating the profession of nursing; and repealing certain existing laws," except in so far as it applies to licensed attendants.

All other acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Section 17. The provisions of this act shall become effective immediately upon final enactment; but section three shall not become operative until the first day of November, one thousand nine hundred fifty-two.

APPROVED—The 22d day of May, A. D. 1951.

JOHN S. FINE

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No. 70

AN ACT

To further amend sections 202, 418 and 1310 of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by changing the name of the State Board of Examiners for Registration of Nurses.

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

Section 1. As much as relates to the Department of Public Instruction of \*section two hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and

Act of May 13,  
1927, P. L. 988,  
repealed in part.

Inconsistent acts  
repealed.

Act effective  
immediately;  
exception.

"The Administrative Code of 1929."

As much as relates to Department of Public Instruction of section 202, act of April 9, 1929, P. L. 177, as last amended by acts of May 9, 1949, P. L. 1003, May 12, 1949, P. L. 1289, and May 23, 1949, P. L. 1717, further amended.

\* "sections" in original.