

## No. 151

## AN ACT

## HB 129

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," changing definitions; changing the scope of activities permitted or prohibited by the act; authorizing the Board to establish educational standards and requirements and fees; regulating the issuance of licenses and further prescribing fines and penalties.

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

Section 1. Section 2, act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law," is amended to read:

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

(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.]** *The "Practice of Professional Nursing" means diagnosing and treating human responses to actual or potential health problems through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimens as prescribed by a licensed physician or dentist. The foregoing shall not be deemed to include acts of medical diagnosis or ~~prescription~~ of medical therapeutic or corrective measures, except as may be authorized by rules and regulations jointly promulgated by the State Board of Medical Education and Licensure and the Board, which rules and regulations shall be implemented by the Board.*

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

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

(4) *"Diagnosing" means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen.*

(5) *"Treating" means selection and performance of those therapeutic measures essential to the effective execution and management of the nursing regimen, and execution of the prescribed medical regimen.*

(6) *"Human responses" means those signs, symptoms and processes which denote the individual's interaction with an actual or potential health problem.*

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

**Section 2.1. *The Board shall have the right and duty to establish rules and regulations for the practice of professional nursing and the administration of this act. Copies of such rules and regulations shall be available for distribution to the public.***

Section 3. Section 3 of the act is amended to read:

**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.] *Any person who holds a license to practice professional nursing in this Commonwealth, or who is maintained on inactive status in accordance with section 11 of this act, shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall engage in the practice of professional nursing or use the title "registered nurse" or the abbreviation "R.N." to indicate that the person using the same is a registered nurse. No person shall sell or fraudulently obtain or fraudulently furnish any nursing diploma, license, record, or registration or aid or abet therein.***

Section 4. Section 4 of the act, amended May 6, 1970 (P.L.353, No.118), is amended to read:

**Section 4. This act confers no authority to practice *dentistry, podiatry, optometry, chiropractic*, medicine or surgery, nor does it prohibit—**

**(1) [Services rendered by practical nurses, or home] *Home* care of the sick by friends, domestic servants, nursemaids, [companies, companions, 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 *nor services rendered by any physicians, osteopaths, dentists or chiropractors, podiatrists, optometrists, or any person licensed pursuant to the act of March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse Law."***

**[(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.***

**(6)] (2) *Care of the sick, with or without compensation or personal profit, when done *solely* 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] (3) *The practice of professional nursing by a person temporarily in this Commonwealth licensed by another state, territory or possession of the United States or a foreign country, in compliance with an engagement made outside of this Commonwealth, which engagement requires that such person accompany and care for a patient while temporarily in this Commonwealth: Provided, however, That said engagement shall not be of more than six (6) months' duration.*

(4) *The practice of professional nursing* by a graduate of an approved [school] *program of professional 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] *program* 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] (5) *The practice of professional nursing* 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] *possession* 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] *but not* for a period of *more than* one (1) year. [whichever period first expires.

(11)] (6) 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, by a person who is a foreign graduate nurse in the United States on nonimmigration status while enrolled in an approved, organized program of study as hereinafter provided.

The Board shall establish standards and approve organized programs of study offered to foreign graduate nurses in the United States on nonimmigration status who are studying in this Commonwealth. Initial approval shall be followed by at least annual survey and review of the program to assure maintenance of acceptable standards. Such programs shall be conducted only with approval of the Board. Each hospital maintaining an exchange visitor educational program for foreign graduate nurses shall pay a fee as established by the Board. Such fee

shall be related to the actual costs incurred by the Board in rendering services in connection with such programs.]

Section 5. Section 5 of the act is amended to read:

Section 5. *(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 [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.] 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 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 in a country or territory not mentioned above who has been licensed, registered, or duly recognized there as a professional nurse 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.*

Section 6. Section 6 of the act, amended May 29, 1968 (P.L.135, No.73), is amended to read:

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 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] Board 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] *satisfactorily completed an approved program of professional nursing.*

Section 7. The act is amended by adding two sections to read:

*Section 6.1. The Board shall establish standards for the operation and approval of nursing education programs for the preparation of registered professional nurses and for the carrying out of the rights given to the Board under this act. Programs for the preparation of registered professional nurses shall be established or conducted only with the approval of the Board.*

*The Board shall establish standards and approve organized programs of study offered to foreign graduate nurses in the United States on nonimmigration status who are studying in this Commonwealth. Initial approval shall be followed by at least annual survey and review of the program to assure maintenance of acceptable standards. Such programs shall be conducted only with approval of the Board. Each hospital maintaining an exchange visitor educational program for foreign graduate nurses shall pay a fee as established by the Board. Such fee shall be related to the actual costs incurred by the Board in rendering services in connection with such programs.*

*Section 6.2. The Board shall annually prepare and make available for public distribution a list of all programs approved and classified by it. Any student who shall be enrolled in any school which shall be removed from the approved list shall be given credit toward the satisfaction of the Board's requirements for examination for such of the requirements of the Board which any said student shall satisfactorily complete prior to the removal of said school from the approved list, and said student shall upon the satisfactory completion of the remainder of said requirements in any approved school be eligible for examination for licensure. The Board may withhold or remove any school from the approved list if the school fails to meet and maintain minimum standards, as established by regulation of the Board, of education, curriculum, administration, qualifications of the faculty, organization and function of the faculty, staff and facilities.*

Section 8. Sections 7 and 8 of the act are amended to read:

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] is registered or licensed *by examination* in [such] any other state, or territory [or province by examination] *of the United States or*

*the Dominion of Canada*, and *who* has met all the foregoing requirements as to [age,] character, [citizenship] and preliminary education.

**[(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.**

**(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.**

**(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.]**

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] *The Board shall issue to each person who meets the 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" [or "licensed registered nurse"] and the letters "R.N."*

Section 9. Sections 9 and 10 of the act are repealed.

Section 10. Section 11 of the act, amended December 17, 1959 (P.L.1888, No.689), is amended to read:

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 biennium.] (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 [the Board may fix] *may be established by regulation of the Board*. Application for renewal of a license shall biennially be forwarded to each [active] registrant *holding a current license* prior to the expiration date of the current renewal biennium. The application form [shall] *may* be completed and returned to the Board, accompanied by the required fee of four dollars (\$4); 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 and to receive a current license by filing a renewal application as in subsection (a) hereof.*

[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 11. Section 12 of the act is repealed.

Section 12. Sections 13 and 14 of the act are amended to read:

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)] *three hundred dollars (\$300)*; and in default of the payment of such fine and costs, to undergo imprisonment for a period [not to exceed thirty (30)] *of ninety (90) days, unless nonpayment of said fine is shown by affidavit made by the defendant to the court, to be the result of the defendant's indigency.*

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] *on repeated occasions negligent or incompetent in the practice of professional nursing.*

(2) The licensee is [unfit or incompetent by reason of negligence, habits, or other causes] *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 unless failure is due to circumstances beyond his 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 can resume a competent practice of professional nursing with reasonable skill and safety to patients.*

(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] *felony in the courts of this Commonwealth or any other state, territory or 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) (6) 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] *has his license suspended or revoked in another state, territory or country.*

Section 13. The act of June 8, 1923 (P.L.683, No.280), entitled "An act relating to the registration and reregistration of nurses and licensed attendants by the State Board of Examiners for Registration of Nurses, and the issuance of a license to practice nursing; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor," is repealed in so far as it relates to the registration of registered nurses.

Section 14. This act shall take effect immediately.



APPROVED—The 3rd day of July, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 151.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large, prominent initial "C".

*Secretary of the Commonwealth.*