PROFESSIONAL NURSING LAW, THE
Act of May 22, 1951, P.L. 317, 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 renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws. (Title amended Dec. 17, 1959, P.L.1888, No.689)

TABLE OF CONTENTS

Section 1. Short Title.
Section 2. Definitions.
Section 2.1. State Board of Nursing.
Section 2.2. Communication with Licensees.
Section 3. Registered Nurse, Clinical Nurse Specialist, Use of Title and Abbreviation "R.N." or "C.N.S."; Credentials; Fraud.
Section 3.1. Dietitian-Nutritionist License Required.
Section 4. Unauthorized Practices; Acts not Prohibited.
Section 4.1. Temporary Practice Permit.
Section 5. Examinations and Certificates.
Section 6. Fees; Qualifications for Licensure.
Section 6.1. Education Programs, Standards and Approval.
Section 6.2. Education Programs, Approved Lists, Distribution; Student Credits Where School Removed from List.
Section 7. Graduates of Schools of Other States, Territories or Dominion of Canada.
Section 8. Persons Entitled to Practice.
Section 8.1. Certified Registered Nurse Practitioners; Qualifications.
Section 8.2. Scope of Practice for Certified Registered Nurse Practitioners.
Section 8.3. Prescriptive Authority for Certified Registered Nurse Practitioners.
Section 8.4. Drug Review Committee.
Section 8.5. Clinical Nurse Specialist; Qualifications.
Section 8.6. Scope of Practice for Clinical Nurse Specialist.
Section 8.7. Professional Liability.
Section 9. (Repealed).
Section 10. (Repealed).
Section 11. Licenses; Duration; Renewal Fee; Inactive Status.
Section 11.1. Reporting of Multiple Licensure.
Section 11.2. Setting of Fees and Disposition of Fees; Fines and Civil Penalties.
Section 11.3. Reports of the Board.
Section 12. (Repealed).
Section 12.1. Continuing Nursing Education.
Section 13. Punishment for Violations.
Section 14. Refusal, Suspension or Revocation of Licenses.
Section 14.1. Impaired Professionals Program.
Section 15. Suspensions and Revocations, How Made, Notice, Hearing, Adjudication and Appeal; Reissuance of License.
Section 15.1. Temporary and Automatic Suspensions.
Section 15.2. Reinstatement of License.
Section 15.3. Surrender of Suspended or Revoked License.
Section 15.4. Injunction or Other Process.
Section 15.5. Subpoenas; Oaths.

Section 16. Repeals.
Section 16.1. (Repealed).
Section 17. Effective Date.

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

Section 1. Short Title.--This act shall be known and may be cited as "The Professional Nursing Law."
(1 amended Dec. 20, 1985, P.L.409, No.109)
Section 2. Definitions.--When used in this act, the following words and phrases shall have the following meanings unless the context provides otherwise:
(1) 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 performed by a certified registered nurse practitioner acting in accordance with rules and regulations promulgated by the Board. ((1) amended Dec. 9, 2002, P.L.1567, No.206)
(2) "Board" means the State Board of Nursing.
(3) "Approved" means approved by the State Board of Nursing.
(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.
(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. ((7) added June 29, 2002, P.L.651, No.99)
(8) "Department" means the Department of State of the Commonwealth. ((8) added June 29, 2002, P.L.651, No.99)
(9) "Licensed dietitian-nutritionist" means a dietitian-nutritionist who holds a current license under this act. ((9) added June 29, 2002, P.L.651, No.99)
(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.
((10) added June 29, 2002, P.L.651, No.99)
(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.

((11) added June 29, 2002, P.L.651, No.99)

(12) "Certified registered nurse practitioner" means a registered nurse licensed in this Commonwealth who is certified by the board in a particular clinical specialty area. ((12) added Dec. 9, 2002, P.L.1567, No.206)

(13) "Collaboration" means a process in which a certified registered nurse practitioner works with one or more physicians to deliver health care services within the scope of the certified registered nurse practitioner's expertise. The process includes all of the following:

(i) Immediate availability of a licensed physician to a certified registered nurse practitioner through direct communications or by radio, telephone or telecommunications.

(ii) A predetermined plan for emergency services.

(iii) A physician available to a certified registered nurse practitioner on a regularly scheduled basis for referrals, review of the standards of medical practice incorporating consultation and chart review, drug and other medical protocols within the practice setting, periodic updating in medical diagnosis and therapeutics and cosigning records when necessary to document accountability by both parties.

((13) added Dec. 9, 2002, P.L.1567, No.206)

(14) "Drug Review Committee" means the committee established in section 8.4 whose function is to approve or disapprove, by addition or deletion, the categories of drugs that may be prescribed by certified registered nurse practitioners. ((14) added Dec. 9, 2002, P.L.1567, No.206)

(15) "Clinical nurse specialist" means a registered nurse licensed in this Commonwealth who is certified by the State Board of Nursing as a clinical nurse specialist. ((15) added July 20, 2007, P.L.320, No.49)

(2 amended Dec. 20, 1985, P.L.409, No.109)

Compiler's Note: Section 5 of Act 49 of 2007, which added paragraphs (15) and (16), provided that the State Board of Nursing shall promulgate regulations to implement paragraphs (15) and (16) within 18 months of the effective date of Act 49.

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 nine members appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate, 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, 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.

(l) Any powers and duties imposed on the State Board of Medicine or jointly imposed on the State Board of Medicine and the State Board of Nursing, with respect to certified registered nurse practitioners, by or pursuant to law or regulation shall, after the effective date of this subsection, be exercised solely by the State Board of Nursing. This subsection shall not apply to 49 Pa. Code §§ 21.283(4) (relating to prescribing and dispensing drugs) and 21.321 (relating to performance of tasks without direction; performance of tasks without training; other) unless the State Board of Nursing promulgates a regulation to exercise the duties imposed on the State Board of Medicine by those sections. ((l) added Dec. 9, 2002, P.L.1567, No. 206)

(2.1 amended June 29, 2002, P.L.651, No.99)

Compiler's Note: Section 11 of Act 99 of 2002, which amended section 2.1, provided that the State Board of Nursing shall promulgate all regulations required to implement Act 99 withing two years of the effective date of Act 99.

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.

(2.2 amended June 29, 2002, P.L.651, No.99)

Section 3. Registered Nurse, Clinical Nurse Specialist, Use of Title and Abbreviation "R.N." or "C.N.S."; Credentials; Fraud.--(a) 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.

(b) An individual who holds a license to practice professional nursing in this Commonwealth who meets the requirements under sections 6.2 and 8.5 of this act to be a clinical nurse specialist shall have the right to use the title "clinical nurse specialist" and the abbreviation "C.N.S." No other person shall have that right.

(3 amended July 20, 2007, P.L.320, No.49)

Compiler's Note: Section 5 of Act 49 of 2007, which amended section 3, provided that the State Board of Nursing shall promulgate regulations to implement the amendment of section (3) within 18 months of the effective date of Act 49.

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.

(3.1 added June 29, 2002, P.L.651, No.99)

Compiler's Note: Section 4 of Act 48 of 2007 provided that subsection (b) is repealed insofar as it is inconsistent with the amendment of section 8.2 and the addition of section 8.7.

Section 4. Unauthorized Practices; Acts not Prohibited.--This act confers no authority to practice dentistry, podiatry, optometry, chiropractic, medicine or surgery, nor does it prohibit--

(1) Home care of the sick by friends, domestic servants, nursemaids, 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) 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.

(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, pursuant to a temporary practice permit, by a graduate of an approved 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 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.

(5) The practice of professional nursing, pursuant to a temporary practice permit, 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 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, but not for a period of more than one (1) year and during such additional period as the Board may in each case especially permit.

(6) The practice of professional nursing, within the definition of this act, by any person when such person is engaged in the practice of nursing as an employee of the United States.

(4 amended Dec. 20, 1985, P.L.409, No.109)

Section 4.1. Temporary Practice Permit.--In order for a person to practice professional nursing during the one (1) year period from completion of his or her education program or the one (1) year period from the application for licensure by a person who holds a current license issued by any other state, territory or possession of the United States or the Dominion of Canada, the Board may issue a temporary practice permit which is nonrenewable and valid for a period of one (1) year and during such additional period as the Board may in each case especially permit, except that the temporary practice permit shall expire if such person fails the licensing examination.

(4.1 added Dec. 20, 1985, P.L.409, No.109)

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.

(5 amended June 29, 2002, P.L.651, No.99)

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, 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.

(6 amended June 29, 2002, P.L.651, No.99)

Section 6.1. Education Programs, Standards and Approval.--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. Initial approval shall be followed by submission of an annual report by the program to the Board and a site visit of the program at least once every three years to assure maintenance of acceptable standards.

(6.1 amended Dec. 20, 1985, P.L.409, No.109)

Section 6.2. Education Programs, Approved Lists, Distribution; Student Credits Where School Removed from List.--(a) 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.

(b) The Board shall not fail to approve a nursing program on the grounds that such nursing program awards a diploma or associate degree rather than a baccalaureate degree.

(c) (1) Educational programs for the education of clinical nurse specialists that are operated within a regionally accredited college or university and where a master's degree, doctorate in nursing or a post-master's degree is awarded, with a program concentration in the role of a clinical nurse specialist, must be approved by a national accrediting body for nursing education programs recognized by the board and shall be considered approved programs only for the purposes of conferring certification to practice as a clinical nurse specialist.

(2) Within ninety (90) days of the effective date of this subsection, the board shall announce on its Internet website the recognized national accrediting bodies for purposes of this subsection.

(3) Within one hundred eighty (180) days of the effective date of this subsection, education programs meeting these requirements shall submit the name, address and telephone number of the program; name and curriculum vitae of the program director; and proof of accreditation to the board by a national accrediting body recognized by the board for inclusion on the list of approved clinical nurse specialist education programs.

(4) Programs created more than six (6) months after the effective date of this subsection shall submit the information required in this subsection to the board for inclusion on the list of approved programs.

((c) added July 20, 2007, P.L.320, No.49)

(6.2 amended Dec. 15, 1986, P.L.1607, No.179)

Compiler's Note: Section 5 of Act 49 of 2007, which added subsection (c), provided that the State Board of Nursing shall promulgate regulations to implement the subsection (c) within 18 months of the effective date of Act 49.

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.

(c) The board may issue a certification to a clinical nurse specialist who has completed a course of study considered by the board to be equivalent to that required in this Commonwealth under sections 6.2 and 8.5 of this act 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, and who has met all the requirements as to character and preliminary education elsewhere in this act. ((c) added July 20, 2007, P.L.320, No.49)

(7 amended June 29, 2002, P.L.561, No.99)

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.

(8 amended June 29, 2002, P.L.651, No.99)

Section 8.1. Certified Registered Nurse Practitioners; Qualifications.--(a) The board may certify a licensed registered nurse as a certified registered nurse practitioner in a particular clinical specialty area if the nurse satisfies the requirements established by this act and regulations promulgated by the board. Certification of a nurse by the board shall expire on the same date as the license of that nurse expires.

(b) (1) Beginning on the effective date of this section, a nurse shall not qualify for initial certification by the board under subsection (a) unless the nurse:

(i) is a graduate of an accredited, board-approved master's or post-master's nurse practitioner program; and

(ii) holds certification as a certified registered nurse practitioner from a board-recognized national certification organization which required passing of a national certifying examination in the particular clinical specialty area in which the nurse is seeking certification by the board.

(2) This subsection shall not apply to a nurse who:

(i) holds certification from the board as a certified registered nurse practitioner on the effective date of this

subsection; or

(ii) would otherwise qualify for certification as a certified registered nurse practitioner under section 7(b).

(3) In order to provide a transition period for persons who completed or were enrolled in an approved educational program on the effective date of this section and to permit those persons to apply for certification under the rules in existence immediately prior to the effective date of this section, the board shall issue initial certification to any person who, within two (2) years of the effective date of this section:

(i) submits evidence of having completed or been enrolled in an approved educational program on the effective date of this section; and

(ii) fulfills all administrative requirements of the board and possesses all of the other qualifications for certification in effect immediately prior to the effective date of this section.

(c) As a condition for biennial renewal of certification by the board, a certified registered nurse practitioner must, in the two (2) years prior to renewal, complete at least thirty (30) hours of continuing education approved by the board. In the case of a certified registered nurse practitioner who is prescribing medical therapeutic or corrective measures pursuant to section 8.3, that continuing education must include at least sixteen (16) hours in pharmacology in that two-year period.

(8.1 added Dec. 9, 2002, P.L.1567, No.206)

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) 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.

(8.2 amended July 20, 2007, P.L.318, No.48)

Section 8.3. Prescriptive Authority for Certified Registered Nurse Practitioners.--(a) A certified registered nurse practitioner may prescribe medical therapeutic or corrective measures if the nurse:

(1) has successfully completed at least forty-five (45) hours of coursework specific to advanced pharmacology at a level above that required by a professional nursing education program;

(2) is acting in collaboration with a physician as set forth in a written agreement which shall, at a minimum, identify the following:

(i) the area of practice in which the nurse is certified;

(ii) the categories of drugs from which the nurse may prescribe or dispense; and

(iii) the circumstances and how often the collaborating physician will personally see the patient; and

(3) is acting in accordance with regulations promulgated by the board.

(b) A certified registered nurse practitioner who satisfies the requirements of subsection (a) may prescribe and dispense those categories of drugs that certified registered nurse practitioners were authorized to prescribe and dispense by board regulations in effect on the effective date of this section, subject to the restrictions on certain drug categories imposed by those regulations. The board shall add to or delete from the categories of authorized drugs in accordance with the provisions of section 8.4.

(8.3 added Dec. 9, 2002, P.L.1567, No.206)

Section 8.4. Drug Review Committee.--(a) The Drug Review Committee is hereby established and shall consist of seven members as follows:

(1) The Secretary of Health or, at the discretion of the Secretary of Health, the Physician General as his or her designee, who shall act as chairman.

(2) Two certified registered nurse practitioners who are actively engaged in clinical practice, appointed to three-year terms by the Secretary of Health.

(3) Two licensed physicians who are actively engaged in clinical practice, appointed to three-year terms by the Secretary of Health, at least one of whom shall, at the time of appointment, be collaborating with one or more certified registered nurse practitioners in accordance with section 8.3(a)(2).

(4) Two licensed pharmacists who are actively engaged in the practice of pharmacy, appointed to three-year terms by the Secretary of Health.

(b) (1) The board shall submit to the Drug Review Committee any proposed change to the categories of drugs that certified registered nurse practitioners were authorized to prescribe pursuant to board regulations in effect on the effective date of this section. The board shall not change, by addition or deletion, the categories of authorized drugs without prior approval of the Drug Review Committee.

(2) Within sixty (60) days of a submission by the board

under paragraph (1), a majority of the Drug Review Committee shall vote to approve or disapprove the proposed change.

(3) If a majority of the Drug Review Committee fails to vote to approve or disapprove the proposed change within sixty (60) days of receipt of a submission by the board under paragraph (1), the Drug Review Committee shall be deemed to have approved the proposed change.

(8.4 added Dec. 9, 2002, P.L.1567, No.206)

Section 8.5. Clinical Nurse Specialist; Qualifications.--(a) The board may certify a licensed registered nurse as a clinical nurse specialist if the nurse satisfies the requirements established by this act. Certification of a clinical nurse specialist by the board shall expire on the same date as the license of that nurse expires. Beginning on the effective date of this section, a nurse shall not qualify for initial certification by the board unless the nurse holds a master's degree, doctoral degree or post-master's certificate from an educational program in nursing that has been approved by the board and that prepares graduates to practice as a clinical nurse specialist and:

(1) holds current national certification as a clinical nurse specialist in a designated specialty or in an area pertinent to the designated specialty;

(2) meets equivalence requirements as specified in regulations of the board where there is no certification examination available in the specialty area; and

(3) meets all other board requirements to practice as a clinical nurse specialist.

(b) Individuals who completed an educational program in a related discipline previously recognized for national certification as a clinical nurse specialist from a board-recognized national certification organization shall be issued certification by the board upon:

(1) submitting evidence of having current American Nurses Association or American Nurses Credentialing Center certification; and

(2) submitting an application to the board.

(c) As a condition of biennial certificate renewal by the board, a clinical nurse specialist shall:

(1) Pay a renewal fee as set by the board.

(2) In the two years prior to certification renewal, complete at least thirty (30) hours of continuing education approved by the board, as required by section 12.1.

(d) For certification under this act, a licensed registered nurse shall file a board-prepared application with the board and pay a fee as established by the board by regulation.

(e) A clinical nurse specialist 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," and shall not be eligible to participate in the Medical Care Availability and Reduction of Error (Mcare) Fund.

(8.5 added July 20, 2007, P.L.320, No.49)

Compiler's Note: Section 5 of Act 49 of 2007, which added section 8.5, provided that the State Board of Nursing shall promulgate regulations to implement section 8.5 within 18 months of the effective date of Act 49.

Section 8.6. Scope of Practice for Clinical Nurse Specialist.--(a) Nothing in this act shall permit a clinical nurse specialist to engage in the practice of medicine or surgery as defined in the act of December 20, 1985 (P.L.457,

No.112), known as the "Medical Practice Act of 1985"; perform acts of medical diagnosis; or prescribe medical therapeutic or corrective measures. The restrictions in this subsection apply to both physical and mental disorders.

(b) Nothing in this act shall be construed to limit or prohibit a clinical nurse specialist from engaging in those activities which normally constitute the practice of nursing, including a nursing diagnosis, as defined in section 2.

(8.6 added July 20, 2007, P.L.320, No.49)

Compiler's Note: Section 5 of Act 49 of 2007, which added section 8.6, provided that the State Board of Nursing shall promulgate regulations to implement section 8.6 within 18 months of the effective date of Act 49.

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.

(8.7 added July 20, 2007, P.L.318, No.48)

Compiler's Note: Section 3 of Act 48 of 2007, which added section 8.7, provided that the State Board of Nursing, the Department of Public Welfare and the Department of Health shall promulgate regulations to implement the section 8.7 within 18 months of the effective date of section 3.

Section 9. (9 repealed July 3, 1974, P.L.432, No.151)

Section 10. (10 repealed July 3, 1974, P.L.432, No.151)

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.

(11 amended June 29, 2002, P.L.651, No.99)

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 licensee's record, and such state, territory, possession or country shall be notified by the Board of any disciplinary actions taken against said licensee in this Commonwealth.

(11.1 amended June 29, 2002, P.L.651, No.99)

Section 11.2. Setting of Fees and Disposition of Fees, Fines and Civil Penalties.--(a) All fees required under this act shall be fixed by the Board by regulation and shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." If the revenues raised by the fees, fines and civil penalties imposed under this act are not sufficient to meet expenditures over a two-year period, the Board shall increase those fees by regulation so that projected revenues will meet or exceed projected expenditures.

(b) If the Bureau of Professional and Occupational Affairs determines that the fees established by the Board under subsection (a) are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the Board and subject to the "Regulatory Review Act," shall increase the fees by regulation in an amount that adequate revenues are raised to meet the required enforcement effort.

(c) All fees, fines and civil penalties imposed in accordance with this act shall be paid into the Professional Licensure Augmentation Account established pursuant to, and for use in accordance with, the act of July 1, 1978 (P.L.700, No.124), known as the "Bureau of Professional and Occupational Affairs Fee Act."

(d) The Board may charge a fee, as set by the Board by regulation, for all examinations, registrations, renewals, certifications, licenses or applications permitted by this act or regulations thereunder.

(11.2 added Dec. 20, 1985, P.L.409, No.109)

Section 11.3. Reports of the Board.--(a) The Board shall submit annually to the Department of State an estimate of the financial requirements of the Board for its administrative, investigative, legal and miscellaneous expenses.

(b) The Board shall submit annually to the House and Senate Appropriations Committees, fifteen (15) days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the Board previously submitted to the department.

(c) The Board shall submit annually a report, to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate, containing a description of the types of complaints received, status of cases, Board action which has been taken and the length of time from the initial complaint to final Board resolution.

(11.3 added Dec. 20, 1985, P.L.409, No.109)

Section 12. (12 repealed July 3, 1974, P.L.432, No.151)

Section 12.1. Continuing Nursing Education.--(a) The Board shall adopt, promulgate and enforce rules and regulations

consistent with the provisions of this act establishing requirements of continuing nursing education to be met by individuals licensed as registered nurses under this act as a condition for renewal of their licenses. The regulations shall include any fees necessary for the Board to carry out its responsibilities under this section.

(b) Beginning with the license period designated by regulation, licensees shall be required to attend and complete thirty (30) hours of mandatory continuing education during each two-year license period. Nationally certified education courses shall be considered as creditable, in addition to any other courses the board deems creditable toward meeting the requirements for continuing education.

(c) An individual applying for the first time for licensure in this Commonwealth shall be exempted from the continuing education requirement for the biennial renewal period following initial licensure.

(d) (1) The Board may waive all or a portion of the continuing education requirement for biennial renewal for a licensee who shows to the satisfaction of the Board that the licensee was unable to complete the requirements due to serious illness, military service or other demonstrated hardship.

(2) The request shall be made in writing with appropriate documentation and shall include a description of circumstances sufficient to show why the licensee is unable to comply with the continuing education requirement.

(e) A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

(f) All courses, locations, instructors and providers shall be approved by the Board. No credit shall be given for any course in office management.

(g) In lieu of meeting the requirements of this section:

(1) Certified registered nurse practitioners and dietetics-nutrition licensees shall fulfill the requirements for continuing education in accordance with sections 8.1 and 11, respectively.

(2) School nurses who as certified education specialists are required to obtain continuing professional education under section 1205.2 of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," and under this act shall be permitted to submit evidence of the completion of education courses approved for their certification by the school district.

(h) The Board shall initiate the promulgation of regulations to carry out the provisions of this section within one (1) year of the effective date of this section.

(12.1 added June 29, 2006, P.L.275, No.58)

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).

(13 amended June 29, 2002, P.L.651, No.99)

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.

(14 amended June 29, 2002, P.L.651, No.99)

Section 14.1. Impaired 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 professionals support groups approved by the Board and which provide services to 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 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 professional from the impaired 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 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 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 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 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).

(14.1 amended June 29, 2002, P.L.651, No.99)

Section 15. Suspensions and Revocations, How Made, Notice, Hearing, Adjudication and Appeal; Reissuance of License.--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 in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure), 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. If a license has been revoked, the Board can reissue a license only in accordance with section 15.2.

(15 amended Dec. 20, 1985, P.L.409, No.109)

Section 15.1. Temporary and Automatic Suspensions.--(a) A license issued under this act may be temporarily suspended under circumstances determined by the Board to be an immediate and clear danger to public health and safety. The Board shall issue an order to that effect without a hearing, but upon due notice, to the licensee concerned at his or her last known address, which shall include a written statement of all allegations against the licensee. The provisions of section 15 shall not apply to temporary suspension. The Board shall thereupon commence formal action to suspend, revoke or restrict the license of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within thirty (30) days following the issuance of an order temporarily suspending a license, the Board shall conduct or cause to be conducted a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the Board, but in no event longer than one hundred eighty (180) days.

(b) A license issued under this act shall automatically be suspended upon the legal commitment to an institution because of mental incompetency from any cause upon filing with the Board a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or conviction of an offense under the laws of another jurisdiction, which, if committed in Pennsylvania, would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act." As used in this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this subsection shall not be stayed pending any appeal of a conviction. Restoration of such license shall be made as hereinafter provided in the case of revocation or suspension of such license.

(15.1 added Dec. 20, 1985, P.L.409, No.109)

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.

(15.2 amended June 29, 2002, P.L.651, No.99)

Section 15.3. Surrender of Suspended or Revoked License.--The Board shall require a person whose license has been suspended or revoked to return the license in such manner as the Board directs. Failure to do so, and upon conviction thereof, shall be a misdemeanor of the third degree.

(15.3 added Dec. 20, 1985, P.L.409, No.109)

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.

(15.4 amended June 29, 2002, P.L.651, No.99)

Section 15.5. Subpoenas; Oaths.--(a) The Board shall have the authority to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before the Board, for the purpose of investigating alleged violations of the disciplinary provisions administered by the Board. The Board shall have the power to subpoena witnesses, to administer oaths, to examine witnesses and to take such testimony or compel the production of such books, records, papers and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation or hearing held or had by it. Medical records may not be subpoenaed without consent of the patient or without order of a court of competent jurisdiction on a showing that the records are reasonably necessary for the conduct of the investigation. The court may impose such limitations on the scope of the subpoena as are necessary to prevent unnecessary intrusion into patient confidential information. The Board is authorized to apply to Commonwealth Court to enforce its subpoenas.

(b) An attorney responsible for representing the Commonwealth in disciplinary matters before the Board shall notify the Board immediately upon receiving notification of an alleged violation of this act. The Board shall maintain current records of all reported alleged violations and periodically review the records for the purpose of determining that each alleged violation has been resolved in a timely manner.

(15.5 added Dec. 20, 1985, P.L.409, No.109)

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

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.

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 16.1. (16.1 repealed Dec. 20, 1985, P.L.409, No.109)

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.

APPENDIX

Supplementary Provisions of Amendatory Statutes

1985, DECEMBER 20, P.L.409, NO.109

Section 15. This act, with respect to the State Board of Nurse Examiners, shall constitute the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Compiler's Note: Act 109 added or amended sections 1, 2, 2.1, 2.2, 3, 4, 5, 6, 6.1, 6.2, 7, 8, 11, 11.1, 11.2, 11.3, 13, 14, 14.1, 15, 15.1, 15.2, 15.3, 15.4 and 15.5 and repealed section 16.1 of Act 69.

Section 17. The presently confirmed members of the State Board of Nurse Examiners constituted under section 418 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as of December 31, 1985, shall continue to serve as board members until their present terms of office expire, provided that any present board member whose term has expired on or before the effective date of this act shall serve until a successor has been appointed and qualified, but no longer than six months after the effective date of this act.

Section 18. Each rule and regulation of the board in effect on December 31, 1985, and not inconsistent with this act, or the act of March 2, 1956 (1955 P.L.1211, No.376), known as the Practical Nurse Law, shall remain in effect after such date until repealed or amended by the board, provided that the board shall immediately initiate the repeal or amendment of any rule or regulation which is inconsistent with the provisions of this act. Each fee of the board in effect on December 31, 1985, and not inconsistent with this act or the Practical Nurse Law, shall remain in effect after such date until repealed or amended in accordance with the provisions of this act.

Section 19. Any person who holds a valid license issued by the State Board of Nurse Examiners under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, relating to the practice of nursing, prior to the effective date of this amendatory act shall, on and after the effective date hereof, be deemed to be licensed by the State Board of Nursing as provided for in this amendatory act.