

STATEMENTS OF POLICY

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 51]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Title 55—HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CH. 1]

Clarification of Nursing Qualifications; Interpretations Regarding the Applicability of Nursing Standards and Qualification to All Nurses Practicing in this Commonwealth; Clarification of Nursing Standards and Qualifications for Licensed Practical Nurses and Registered Nurses as it Relates to the Nurse Licensure Compact; Statements of Policy

The State Board of Nursing (Board), the Department of Human Services and the Department of Health are jointly issuing this statement of policy to clarify nursing standards and qualifications in this Commonwealth for licensed practical nurses (LPN) and registered nurses (RN) as it relates to the Nurse Licensure Compact (NLC).

Discussion

With the enactment of the act of July 1, 2021 (P.L. 358, No. 68), known as the Nurse Licensure Compact Act (35 P.S. §§ 10291–10295), the Commonwealth became a member state in the NLC, authorizing RNs and LPNs who hold current multistate licenses from other compact states to practice in this Commonwealth without obtaining a license from the Board so long as the licensee's principal place of residence is not in this Commonwealth. Specifically, the NLC provides:

A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.

NLC, Article III(a).

In passing the Nurse Licensure Compact Act, the General Assembly did not intend that RNs or LPNs with valid multistate licenses could not qualify for positions that explicitly require a license issued by the Board or under The Professional Nursing Law (63 P.S. §§ 211–225.5), the Practical Nurse Law (63 P.S. §§ 651–667.8) or 63 Pa.C.S. § 3111 (relating to licensure by endorsement). To the contrary, the Nurse Licensure Compact Act expressly recognizes that “Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.” Therefore, for purposes of applying statutory and regulatory nursing standards and qualifications, RNs and LPNs holding multistate

licenses pursuant to the NLC will be treated as if they possess an RN or LPN license issued by the Board.

Interpretation

The interpretation is contained in Annex A.

Effective Date

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

DR. DEBRA L. BOGEN, MD, FAAP,

*Acting Secretary
Department of Health*

LINDA L. KMETZ, PhD, RN,

*Chairperson
State Board of Nursing*

VALERIE A. ARKOOSH, MD, MPH,

*Secretary
Department of Human Services*

(*Editor's Note:* The *Pennsylvania Code* is amended by adding a joint statement of policy in 28 Pa. Code § 51.1a, 49 Pa. Code § 21.415 and 55 Pa. Code § 1.1 to read as set forth in Annex A.)

Fiscal Note: 10-239. No fiscal impact; recommends adoption. 16A-5147. No fiscal impact; recommends adoption. 14-BUL-112. No fiscal impact; recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IV. HEALTH FACILITIES

Subpart A. GENERAL PROVISIONS

CHAPTER 51. GENERAL INFORMATION

GENERAL PROVISIONS

§ 51.1a. Clarification of nursing qualifications—statement of policy.

For the purposes of applying statutory and regulatory nursing standards and qualifications in this Commonwealth, the following applies:

(1) For a licensed practical nurse, the term includes an individual licensed under the laws of this Commonwealth to practice practical nursing or an individual who holds a privilege to practice as a practical nurse under the Nurse Licensure Compact Act (35 P.S. §§ 10291–10295).

(2) For a registered nurse, the term includes an individual licensed under the laws of this Commonwealth to practice professional nursing or an individual who holds a privilege to practice as a registered nurse under the Nurse Licensure Compact Act.

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter D. INTERPRETATIONS

STATEMENT OF POLICY

§ 21.415. Interpretations regarding the applicability of nursing standards and qualifications to all nurses practicing in this Commonwealth—statement of policy.

For the purposes of applying statutory and regulatory nursing standards and qualifications in this Commonwealth, the following apply:

(1) For a licensed practical nurse, the term includes an individual licensed under the laws of this Commonwealth to practice practical nursing or an individual who holds a privilege to practice as a practical nurse in this Commonwealth under the Nurse Licensure Compact Act (35 P.S. §§ 10291—10295).

(2) For a registered nurse, the term includes an individual licensed under the laws of this Commonwealth to practice professional nursing or an individual who holds a privilege to practice as a registered nurse in this Commonwealth under the Nurse Licensure Compact Act.

TITLE 55. HUMAN SERVICES

PART I. DEPARTMENT OF HUMAN SERVICES

Subpart A. GENERAL PROVISIONS

CHAPTER 1. STATEMENTS OF POLICY

Sec.

1.1 Clarification of nursing qualifications—statement of policy.

§ 1.1. Clarification of nursing qualifications—statement of policy.

For the purposes of applying statutory and regulatory nursing standards and qualifications in this Commonwealth, the following applies under this title:

(1) For a licensed practical nurse, the term includes an individual licensed under the laws of this Commonwealth to practice practical nursing or an individual who holds a privilege to practice as a practical nurse under the Nurse Licensure Compact Act (35 P.S. §§ 10291—10295).

(2) For a registered nurse, the term includes an individual licensed under the laws of this Commonwealth to practice professional nursing or an individual who holds a privilege to practice as a registered nurse under the Nurse Licensure Compact Act.

[Pa.B. Doc. No. 24-41. Filed for public inspection January 12, 2024, 9:00 a.m.]