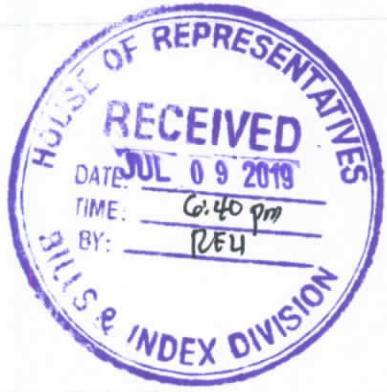


EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES



Introduced by Representative Rufus B. Rodriguez

1877
House Bill No.

EXPLANATORY NOTE

This bill was originally introduced as House Bill No. 5592 during the 15th Congress where it was approved by the Committee on Civil Service and Professional Regulation and substituted with House Bill No. 6878. It was subsequently approved on 2nd reading, approved on 3rd reading and was transmitted to the Senate where it was not acted upon. It was also re-filed during the 16th Congress and the 17th Congress.

This bill seeks to institute reforms to further protect and develop the nursing profession, amending for the purpose Republic Act (RA) No. 9173, otherwise known as the "Philippine Nursing Act of 2002."

RA 9173 was enacted in 2002 to provide a comprehensive definition and understanding of the nursing profession. It delineates the scope of work of registered Filipino nurses, establishes linkages with community resources and requires the updating of professional knowledge in the nursing field, patient care, levels of nursing practice and development of nursing education. This is in recognition of the vital role nurses play in the delivery of quality health services not only in the country, but all over the world.

Since the enactment of RA 9173 almost a decade ago, significant factors critical to the development of nursing practice in the country have emerged. This includes providing humane and globally competent nursing care, ensuring positive practice environment for nurses, strengthening the Philippine nursing profession as a recognized leader in primary health care, enforcing quality standards in nursing education and practice, and providing guidelines toward nursing career progression.

RA 9173 must be amended to achieve the vision of the Philippine professional nursing care to be the best for the Filipino and the choice of the world by 2030. Such amendments provide restructuring of the scope and practice of nursing to include certification, specialization and educational requirements, expanding the powers of the Board of Nursing to strengthen its role in decision-making processes concerning the nursing practice, providing additional educational requirements for different levels of nursing practice to ensure competitiveness and further strengthen the nursing profession and provide a better practice environment.

Nursing remains the top career choice among Filipinos. The Commission on Higher Education reported that the number of nursing students rose from 30,000 in 2000 to 450,000 in 2007. The total number of registered nurses as of 2003 was 332,206 according to data provided by the Professional Regulation Commission. In addition, demand for Filipino nurses abroad has risen steadily over the past two decades. Given the statistics, it is but necessary to institute reforms RA 9173 so that the nurses are accorded further protection and their welfare enhanced. It must be amended to better respond to the needs of nurses, their patients and the whole nursing practice.

In view of the foregoing, immediate passage of this bill is earnestly requested.

RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
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House Bill No. 1877

AN ACT

PROVIDING FOR A COMPREHENSIVE NURSING LAW TOWARDS A QUALITY HEALTH CARE SYSTEM, AND APPROPRIATING FUNDS THEREFOR, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9173, OTHERWISE KNOWN AS THE "PHILIPPINE NURSING ACT OF 2002"

Be it enacted by the Senate and the House of Representative of the Republic of the Philippines in Congress assembled:

ARTICLE I General Provisions

Section 1. Title. – This Act shall be known as the "Comprehensive Nursing Law".

SEC 2. Declaration of Policy. – It is hereby declared the policy of the state to uphold the dignity of nurses and assume responsibility for the protection, respect, and improvement of the nursing profession by instituting measures that will ensure the adaption of just and humane conditions of work, and the promotion of professional growth. Thus the State recognizes nurses as prime movers of national development and contributors to international cooperation and understanding.

The State further guarantees the delivery of accessible, affordable, and available quality health care for all people through the establishment of an adequate and dynamic Nursing Personnel System (NPS) in the country.

SEC. 3. Definition of Terms. – As used in this Act:

- (a) *Accredited Professional Organization* (APO) refers to the duly integrated and accredited professional organization of registered and licensed nurses as per R.A. No. 8981 or the "PRC Modernization Act of 2000."
- (b) *Advanced Practice Nurse* (APN) refers to a nurse who acquired substantial theoretical knowledge and decision making skills in a specialty area of nursing practice and proficient clinical utilization of this knowledge in implementing independent and inter-dependent nursing interventions. Specialties can be differentiated according to function, disease, pathology, systems, age, gender, acuity, setting, technology, and therapies. An APN must be given credentials certification by the Board. An APN must have a master's degree in nursing.
- (c) *Bachelor of Science in Nursing* (BSN) refers to the basic program for nursing education.
- (d) *Certification/ Credentialing* refers to the process undertaken by an individual nurse to be recognized to practice in a specifically defined professional such as General Nursing, Nursing Specialty/ Advanced Practice, Nursing Education, and Leadership and Governance. The Professional Regulatory Board of Nursing confers the certification or credential after a validation process based on promulgated guidelines and mechanisms.
- (e) *Health Facility* refers to an institution, establishment or clinic that offers health services and nursing care, such as a hospital, barangay health center, and clinic.

- (f) *Nurse* refers to a person who passed the Philippine Nurse Licensure Exams (PNLE) and whose license has not been revoked by the law. It pertains to a Registered Nurse (RN), who may append before ones name the title "Nurse", "Nars", or "Nrs." or the initials "RN." after one's name.
- (g) *Nursing Personnel System (NPS)* refers to the system of human resource management that classifies the structure, organization, and coordination within the workforce both in private and public health care facilities and nursing educational institutions designed to advance the welfare and protect the rights of the nurses, enhance the employer-employee relationship, ensure security of tenure, just compensation, humane conditions of work, and professional growth.
- (h) *Philippine Nurse Licensure Exams (PNLE)*, refers to a written examination given by the Philippine Regulatory Board of Nursing in order to obtain license to practice nursing.
- (i) *Precarious Work* refers to substandard employment conditions such as under-payment, absence of salary, no security of tenure, lack of employer - employee relationship, inadequate or no work benefits, poor working conditions; deviation from the standard employment relationship such as in contractual hiring, false volunteerism, job orders through agencies; part time, temporary, on call, or self-employment; fixed term work, home worker, call center jobs;; lack of collective bargaining representation; and no job security.
- (j) *Public Health Institution (PHI)* refers to any government-led, or government owned or controlled institution which pursues and realizes the lofty goals and objectives of providing and managing safe, efficient, effective and quality public health programs and services and advocacies for health, in all levels of the Health Care Delivery System (HCDS – national to local) which include, among others: Rural Health Units (RHUs/ Barangay Health Centers); research facilities such as the Research Institute for Tropical Medicine, training resource facilities as the U.P. College of Public Health and state or local colleges or universities offering health-related programs; the Department of Health and all retained health facilities.
- (k) *Special Permit* refers to the permit to practice nursing in the Philippines issued by the Regulatory Board of Nursing to licensed nurses of foreign nationalities.
- (l) *Temporary Permit* refers to the permit to practice nursing in the Philippines issued to a Filipino nurse, who does not have a professional license from the Philippines or has not renewed the license for five (5) years, but is licensed to practice in a foreign country; and as provided under Sec. 23 hereof

ARTICLE II Board of Nursing

SEC 4. Creation and Composition of the Board. – There shall be created a Professional Regulatory Board of Nursing, hereinafter referred to as the Board, composed of seven (7) members who shall elect among themselves a Chairperson to serve for one (1) term, without re-election. The President of the Republic of the Philippines shall appoint the members of the Board from among those recommended by the Professional Regulation Commission (PRC) established under Republic Act No. 8981and ranked from a list of three (3) nominees, for each vacancy, of the APO of nurses in the Philippines and who possess the qualifications for the position as provided in this Act. The membership of the Board shall comprise the scope of the nursing practice.

SEC. 5. Qualifications of the Members of the Board. – A member of the Board must possess the following qualifications:

- (a) Must be a natural born citizen and resident of the Philippines for the past five (5) consecutive years;
- (b) Must be a Registered Nurse in the Philippines and a holder of a valid and updated certificate of registration and a current professional identification card;

- (c) Must have been conferred a master's degree in nursing and preferably, a doctoral degree from a university duly recognized by the government;
- (d) Must have continuously practiced the nursing profession for at least ten (10) years prior to appointment : *Provided*, however, That the last five (5) years of practice must have been performed in the Philippines; and
- (e) Must be of good moral character and must not have been convicted of any offense involving moral turpitude.

SEC. 6. Prohibition as Member of the Board. – A member of the Board shall not hold a position nor have pecuniary interest in any educational institution offering BSN program, review or training center for PNLE, or any training hospital or health facility with nursing affiliates.

SEC.7. Term of Office. – The members of the Board shall hold office for a term of three (3) years. Any member of the Board may serve for two (2) terms or a maximum of six (6) years.

SEC 8. Vacancy. - Any vacancy in the Board that arises after its institution, must be filled in the manner prescribed in this Act and the member thus elected shall serve only the unexpired portion of the term. A member of the Board shall take the proper oath of office prior to the performance of duties.

SEC.9. Compensation. - The members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the members of other regulatory boards.

SEC. 10. Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services. – The Board shall be under the administrative supervision of the PRC. All records of the Board, including applications for examinations, and administrative and other investigative cases conducted by the Board must be under the custody of the PRC which shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

SEC. 11. Powers and Duties of the Board. – The Board shall supervise and regulate the practice of the nursing profession and shall have the following powers, duties and functions:

- (a) Ensure the proper conduct of the PNLE, which includes the application, test development, examination, correction and release of results. The use of appropriate technologies and modalities during the conduct of the PNLE is encouraged to enhance efficiency while upholding integrity;
- (b) Issue, suspend, revoke or reissue certificates of registration for the practice of nursing and ensure the widest publication through electronic and written media;
- (c) Enforce and monitor safe and quality standards of nursing practice, study the conditions affecting the nursing practice in the Philippines, and exercise the powers necessary to ensure the maintenance of efficient, ethico-moral, technical, and professional standards in the practice of nursing towards the optimal health and common good of the nation;
- (d) Ensure quality nursing education by examining and monitoring higher educational institutions offering and seeking permission to open nursing education programs and to ensure that standards of nursing education are properly complied with and maintained at all times: *Provided*, that the Board and the Commission and Higher Education (CHED) shall have joint authority to open and close nursing education programs offered by higher educational institutions;
- (e) Conduct hearings and investigations to resolve complaints against actively practicing nurses for unethical and unprofessional conduct and violations of this Act, or its rules

- and regulations and in connection therewith, issue *subpoena duces tecum* and *subpoena ad testificandum* to require the appearance of respondents and witnesses and the production of documents, and penalize with contempt persons obstructing, impeding, or otherwise interfering with the conduct of such proceedings, upon application with the Board of Nursing;
- (f) Promulgate a Code of Ethics that is responsive to the needs of the nursing profession in coordination with the APO of nurses, within a year from the effectivity of this Act;
 - (g) Prescribe and operationalize, via necessary infrastructures, a National Nursing Career Progression Program to ensure continuing professional development of Filipino nurses, create the Council for Nursing Advancement, Recognition, and Specialization as well as the various Nursing Specialty Boards to assist the Board for this purpose;
 - (h) Ensure performance of mandated duties and functions with the provision of operational resources including human, financial, and spatial resources to ensure the confidentiality and sanctity of functions as provided through the annual budget of the PRC as promulgated in the General Appropriations Act;
 - (i) Source and utilize funds earmarked for national nursing development;
 - (j) Prescribe, adopt, issue and promulgate guidelines, regulations, measures and influence authorities and agencies on decision-making as may be necessary for the improvement of nursing practice, advancement of the profession, and for the proper and full enforcement of this Act, subject to review and approval by the PRC, and,
 - (k) Create a council for nursing recognition, accreditation and certification that will assist the Board in:
 1. recognizing organized nursing groups;
 2. setting standards for advanced nursing practice, education, research, and management;
 3. accrediting specialty and advanced nursing programs based on established mechanisms;
 4. credentialing individual registered nurse based on accepted criteria; and
 5. Monitoring and evaluating specialty and advanced nursing practice, education, research and management.

SEC. 12. Annual Report. – The Board shall, at the close of each calendar year, submit an annual report to the President and Congress of the Philippines, through the PRC, rendering a detailed account of its proceedings and the accomplishments during the year and submitting recommendations on measures that have to be undertaken to upgrade and improve the practice of the nursing profession.

SEC. 13. Removal or Suspension of Board Members. – The President may remove or suspend any member of the Board, after due process, on the following grounds:

- (a) Continued neglect of duty or incompetence;
- (b) Commission or toleration of irregularities in the PNLE; and,
- (c) Unprofessional, immoral or dishonorable conduct.

ARTICLE III Examination and Registration

SEC. 14. Philippine Nurse Licensure Examination (PNLE). – In order to obtain a certificate of registration, professional license, and professional identification card, all nursing graduates must take and pass the PNLE. The Board shall administer the PNLE in such place and date as designated by the PRC: *Provided*, That no nursing educational institution may withhold any requirement or documents, or both, of any nursing graduate for the purpose of preventing them to apply for the PNLE. All nursing educational institutions must ensure that their nursing graduates will take the nearest scheduled PNLE after graduation.

Any delay in taking the PNLE must be accordingly justified by the President, Registrar or Dean of the educational institution through a public instrument.

SEC. 15. Scope of Examination. – The Board shall determine the scope of the PNLE by taking into consideration the nursing core competencies, the nursing curriculum, the scope and areas of nursing practice, and other related disciplines.

SEC. 16. Qualifications for Admission to the PNLE. – In order to be admitted to the PNLE, an applicant:

- (a) Must have been conferred a Bachelor of Science in Nursing degree by a recognized educational institution that is duly recognized by the CHED as compliant with the standards of nursing education;
- (b) Must be of good moral character and must have not been convicted, by final judgment, of any criminal offense involving moral turpitude, or, is not guilty of immoral or dishonorable conduct, or declared by the court to be of unsound mind; and,
- (c) Must be a citizen of the Philippines, or a citizen or subject of a country which permits Filipino nurses to practice within its territorial limits on the same basis as the subject or citizen of such country: *Provided*, That the requirements for the registration or licensing of nurses in the foreign country are substantially the same as those prescribed in this Act.

SEC. 17. Fees for Examination and Registration. – Applicants for licensure and for registration must pay the fees prescribed by the PRC.

SEC. 18. Ratings. – In order to pass the PNLE, an examinee must obtain at least seventy-five percent (75%) in all tested areas of competencies. An examinee who has failed the PNLE three (3) times shall be barred from further taking any PNLE.

SEC. 19. Issuance of Certificate of Registration, Professional License and Professional Identification Card. – A certificate of registration and professional license shall be issued to all successful examinees, subject to Section 16 of this Act. A certificate of registration and professional license shall show the full name of the registrant, the signature of the chairperson of the PRC, and the members of the Board. The certificate shall bear the logo of the Board and the official seal of the PRC.

The PRC shall likewise issue the professional identification card. The card must bear the following: full name of the registrant nurse, the serial number, the date of issuance and expiration, the signature of the chairperson of the PRC; and the date of registration.

SEC. 20. Oath of Profession. – All successful examinees must take an oath of profession before the Board or any government official authorized to administer oaths prior to practicing the profession.

SEC. 21. Roster of Nurses. – The PRC, shall maintain a roster of nurses pursuant to the PRC Automated System. The Roster of Nurses shall serve as the centralized database for nursing professionals for purposes of documentation, verification of registrants, statistics, research, and development.

SEC. 22. Registration by Reciprocity. – The Board may issue a certificate of registration/ professional license, without examination, to a nurse registered under the laws of a foreign State or country: *Provided*, That the requirements for registration or licensing of nurse in the foreign country are substantially the same as those prescribed under this Act: *Provided further*, That the laws of such State or country grants the same privileges to a Professional Registered Nurse of the Philippines on the same basis as the subjects or citizens of the foreign State or country.

SEC. 23. Practice Through Special or Temporary Permit. – The Board may issue a special or temporary permit to practice the nursing profession to the following persons if they meet the professional and moral standards set by the PRC.

- (a) License nurses from foreign countries whose services are either for a fee or free if they are internationally well known specialists or outstanding experts in any branch or specialty of nursing;
- (b) Licensed nurses from foreign countries on medical mission whose services shall be free in a particular hospital, center or clinic;
- (c) Licensed nurses from foreign countries who are engaged by colleges/universities offering the nursing program as exchange professors in a branch or specialty of nursing; and,
- (d) Licensed nurses from foreign countries who come to aid during declared disasters and calamities.

The special or temporary permit shall be effective only for the duration of the project, medical mission or engagement contract. A completion report shall be submitted to the PRC after every mission.

SEC. 24. Non-registration and Non-issuance of Certificate of Registration, Professional License, Professional Identification Card, Special Permit or Temporary Permit. – No person convicted by final judgment of any criminal offense involving moral turpitude or any person guilty of immoral or dishonorable conduct or any person declared by the court to be of unsound mind may be registered and issued a certificate of registration, professional license, professional identification card, or a special or temporary permit.

The Board shall furnish the applicant a written statement setting forth the reasons for the actions, which shall be incorporated in the records of the Board.

SEC. 25. Revocation and Suspension of Certificate of Registration, Professional License, and Professional Identification Card and Cancellation of Special or Temporary Permit. – The Board shall have the power to revoke or suspend the certificate of registration, professional license, professional identification card, or cancel the special or temporary permit of a nurse upon any of the following grounds:

- (a) Conviction, by final judgment, of any criminal offense involving moral turpitude or guilty of immoral or dishonorable conduct or any person declared by the court to be of unsound mind;
- (b) Violation of this Act, its policies, rules and regulations, and of the Philippine Code of Ethics for Nurses;
- (c) Gross negligence, grave misconduct, ignorance, and incompetence in the nursing practice;
- (d) Fraud, concealment, misrepresentation, or false statements in obtaining a certificate of registration, professional license, professional identification card, special permit or temporary permit
- (e) Practice of the nursing profession pending suspension of license.

The suspension of the certificate of registration, professional license, and professional identification card, shall be for a period not to exceed four (4) years.

SEC. 26. Reinstatement and Re-Issuance of Revoked Certificates of Registration, Professional License, and Professional Identification Card. – The Board may, after the expiration of a maximum of four (4) years from the date of revocation of a certificate of registration, professional license, and professional identification card, for reasons of equity and justice, and when the cause for revocation has disappeared or has been cured and corrected, upon proper application thereof and the payment of the required fees, reinstate and re-issue the certificate of registration, professional license, and professional identification card.

ARTICLE IV

Nursing Practice

SEC. 27. Nursing Practice. – The practice of Nursing refers to the administration of nursing care through the utilization of the nursing process: assessment, nursing diagnosis, planning, implementation, and evaluation. Nursing practice encompasses various stages of development towards the promotion of health, prevention of illness, health care techniques and procedures, restoration of health, alleviation of suffering, and end-of-life care, may it be performed independently or collaboratively.

SEC. 28. Scope of Nursing Practice. – The following comprises the scope of nursing practice: (1) nursing education; (2) nursing service; (3) nursing research; and, (4) nursing leadership and governance.

SEC. 29. Nursing Care. – Nursing care includes the provision of physiological, psychological, spiritual, social and emotional care; essential health care, safety and comfort measures, health teachings; executing health care techniques and procedures; and, traditional and innovative approaches to individuals, families, population groups and communities from conception to death.

A nurse shall be deemed to be practicing the nursing profession when one performs nursing care to individuals, families, population groups, and communities, for a fee, salary or compensation, singly or collaboratively.

SEC. 30. Roles, Responsibilities, and Competencies of a Nurse. – A nurse shall possess and exercise the core competencies in the performance of the roles and responsibilities, in accordance with the standards set by the Board.

SEC. 31. Continuing Professional Development (CPD). – All nurses shall undertake CPD programs. The Board shall provide a mechanism to continuously improve and enhance the nurses' competence by updating them on the latest scientific, technological, ethical and other applicable trends in the local and global practice of nursing. CPD programs shall be offered by authorized providers accredited by the Board.

SEC. 32. Requirement for Inactive Nurses Returning to Practice. – Nurses are deemed to be inactive when:

- (a) they are not utilizing nursing competencies as defined in the scope of nursing practice for five (5) consecutive years;
- (b) they have not renewed their professional identification card for five (5) years; and
- (c) they do not have proof of five (5) years of continuous nursing practice.

Inactive nurses are required to undergo a one (1) month didactic training and three (3) months practicum in hospitals accredited by the Board.

ARTICLE V

Nursing Education

SEC. 33. Nursing Education. – Nursing education refers to the formal learning and training in the science and art of nursing provided by higher educational institutions duly recognized by the CHED. There shall be a standard of Basic and Graduate Program for Nursing Education which must be pursuant to R.A . No. 7722, otherwise known as "The Higher Education Act of 1994".

SEC. 34. Basic Program for Nursing Education. – The basic program for nursing education is a sound, liberal and professional program which aim to equip basic nursing students with the necessary competencies for safe and quality entry level nursing practice. Admission to the Basic Program for Nursing Education requires passing a National Nursing Admission Test (NNAT). The basic nursing curriculum and related learning experiences

(RLE) afforded by the program must be in accordance with the National Nursing Core Competency Standards promulgated by the Board and implemented through the policies, standards, and guidelines of the CHED.

SEC. 35. Graduate Program for Nursing Education. – The post baccalaureate nursing program for nursing education shall build on the experiences and skills of a nurse towards mastery, expertise, and leadership in practice, research, and education. It includes a masteral degree and doctorate degree in nursing founded on the philosophies, and the scientific body of knowledge and practice. Graduate Program for Nursing Education shall be offered only in higher educational institutions as prescribed by the prevailing CHED policies, standards and guidelines for Graduate Education.

SEC. 36. Qualifications of the Dean. – The Dean of the College of Nursing shall formulate policies, plans in collaboration with the administration/ school officials and stakeholders. The Dean must adhere to the prescribed curriculum for the advancement of nursing education, and must possess the following qualifications:

- (a) Must be a holder of a certificate of registration and a current professional identification card issued by PRC;
- (b) Must have been issued the appropriate certificate of nursing proficiency, or its equivalent, from the Board;
- (c) Must have been conferred a master's degree in nursing by a university duly recognized by the Government of the Republic of the Philippines;
- (d) Must have gained at least five (5) years of experience in teaching and supervision in Nursing Education; and
- (e) Must have gained at least three (3) years clinical experience in a general nursing service.

SEC. 37. Qualifications of the Faculty. –

- (1) Basic Program for Nursing Education. – A member of the faculty in a College of Nursing teaching professional courses must possess the following qualifications
 - (a) Must be a registered licensed professional nurse duly certified by PRC.
 - (b) Must have gained at least three (3) years of nursing practice;
 - (c) Must have been conferred a masteral degree in nursing, conferred by a university duly recognized by the Government of the Republic of the Philippines; and
 - (d) Must have been certified by the Board and issued the appropriate certificate of nursing proficiency.
- (2) Graduate Program for Nursing Education. – A member of the faculty teaching graduate professional courses:
 - (a) Must follow prescriptions 1 and 2 of basic nursing education; and
 - (b) Must have been conferred a doctorate degree in nursing by a university duly recognized by the Government of the Republic of the Philippines.

SEC. 38. Faculty – Student Ratio. – The CHED must determine a reasonable and feasible faculty to student ratio that shall be observed in all nursing educational institutions.

ARTICLE VI
Nursing Service

SEC. 39. Nursing Service. – Nursing service is the promotion of health and prevention of illness which includes, nursing care provided by a nurse, either independently or collaboratively, to any individual, family or group in various health care settings.

Nursing Service shall include the following functions: (1) Providing health education to individuals, families and communities; (2) Ensuring that information on a healthy lifestyle is incorporated in the nurse's health teachings; (3) Seeking opportunities to promote a

healthy lifestyle within the nurse's influence; (4) Accepting that one is a role model for a healthy lifestyle; (5) Enabling people to exercise control over their health and to improve health; (6) Building healthy public policy; (7) Creating a supportive environment; (8) Strengthening community action for health; and, (9) Establishing linkages with community resources and coordinating with the health team to promote healthy lifestyle and preventing illness.

SEC. 40. Nursing Interventions. – In accordance with Sections 27 and 29, nursing interventions include, any or combination of essential primary health care, the application of traditional and innovative approaches, health counseling, and administration of written prescription for treatment, or therapies that may consist of oral, topical, or parenteral medications, performance of peripartal care covering pre-intra-postpartum care, including the performance of internal examination during labor in the absence of antenatal bleeding, attending to normal child delivery, suturing of perineal laceration and immediate care of the newborn; performing perioperative care covering pre-intra-post surgical care interventions; care during emergency and disaster.

SEC. 41. Health Interventions in Collaboration with Other Members of the Health Team. – From promotion of health to end-of-life care, nurses shall collaborate with other members of the health team.

SEC. 42. Advanced Practice Nursing (APN). – APN is a specialized and expanded mode of nursing care pursuant to Sec. 45 hereof. It is a form specialized training, obtained through an Advanced Practice Nursing Program that is formulated by the concerned agencies. A nurse who has successfully completed the APN Program and passed the qualifying examinations to be conducted by the Board may be certified by the Board upon compliance with the requirements that the Board shall set. A registered nurse who seeks to be an APN must obtain a master's degree in Nursing.

ARTICLE VII **Nursing Research and Policy Development**

SEC. 43. Nursing Research and Policy Development. – Nursing Research and Policy Development involves the study and pursuit of nurse related issues encompassing the following areas:

- (a) professional nursing practice such as advancing nursing knowledge to ensure quality nursing care for all and advocacy for sound health policies globally;
- (b) nursing regulation on credentialing, code of ethics, standards and competencies; and
- (c) socio-economic welfare for nurses like occupational health and safety, human resources planning and policy, remuneration, and career development.
- (d)

SEC. 44. Studies for Nursing Human Resource Needs, Production, Utilization, and Development. – The Board, in coordination with the integrated and APO and appropriate government or private agencies shall initiate, undertake and conduct studies on healthcare human resources production, utilization, and development.

SEC. 45. Advanced Practice Nursing Program. – Within ninety (90) days from the effectivity of this Act, the Board in coordination with the integrated APO, recognized specialty organizations, and the Department of Health shall formulate and develop an Advanced Practice Nursing Program that is aimed at upgrading the level of skill and competence of specialty nurse clinicians in the country, such as, the areas of critical care, oncology, renal, and such other areas as may be determined by the Board: *Provided*, That the beneficiaries of this program are obliged to serve in any Philippine hospital for a period of at least two (2) years continuous service.

SEC. 46. Incentives and Benefits. – The Board, in coordination with the DOH, other concerned government and non-government institutions, association of hospitals and the integrated APO, shall establish an incentive and benefit system in the form of free hospital care for nurses and their dependents, scholarship grants and other non-cash benefits.

ARTICLE VIII **Nursing Leadership and Governance**

SEC. 47. Nursing Leadership. – As part of the workforce that toil and labor for the improvement of the health of the citizenry. Nurses shall adapt to changes and trends in the health sector. They shall be required to perform specific roles in an organizational structure, especially in formulating policy in health facilities and providing guidelines and mentorship on best practices in nursing and patient care. They shall be involved in nurse recruitment, training and retention, and work with healthcare leaders to establish an appropriate compensation and benefit program. Nurses in management positions shall develop patient-care programs, plan new patient services, establish nursing policies and procedures, participate in cross-departmental decision making, conduct performance improvement activities, represent the profession and provide expert and technical guidance on sentinel issues before relevant Boards of directors and other stakeholders.

SEC. 48. Nursing Governance. – Governance in the practice of nursing empowers each nurse to participate in decision-making processes that affect the practice of the profession, including its administrative aspect. Each nurse is tasked to be involved in the organization and implementation of plans and policies for patients and communities.

ARTICLE IX **Nursing Personnel System**

SEC. 49. Nursing Personnel System. – The nursing personnel system covers the following fields: nursing service administration in the hospital setting, community health practice, and the academe. There shall be an administrative or clinical nursing service office in every health institution with at least ten (10) nurses. The nursing service office must be under the control and management of a chief nursing officer.

SEC. 50. Ratio. – The ratio of a staff nurse to a patient in a general nursing service or general ward of a hospital shall be set at 1:12, in order to ensure the quality nursing care for patients. There shall be a nurse for every barangay and industrial establishments: *Provided*, that the nurse shall supervise other health workers in the work area. There shall be a nurse for every school, may it be private or public, primary, secondary or tertiary, subject to the applicable ratio prescribed by the appropriate government agency.

SEC. 51. Beginning Registered Nurse. – A beginning registered nurse shall provide for safe and quality care to an individual, family, or group that is independent or as part of a team. The nurse must be able to assess, plan, implement, and evaluate the care provided to clients based on evidence derived from research.

A beginning registered nurse must have the following minimum qualifications:

- (1) Must have been conferred a Bachelor of Science in Nursing degree by a higher educational institution recognized by the CHED;
- (2) Must be a registered nurse with a current certificate of registration and professional identification card issued by the PRC;
- (3) Must be physically, mentally, and psychologically fit to practice nursing; and
- (4) Must not have been convicted of any crime involving moral turpitude.

SEC. 52. Nursing Service Management. – The management and administration of

nursing services shall be performed by nurses equipped with the necessary competencies on governance and leadership characterized as follows:

- (1) *First Level Manager*, shall be directly responsible directly for the physical set –up of the unit, structure and other human resources for health care provision;
- (2) *Middle level Manager*, shall be directly responsible for the department or section handling more than one (1) or two (2) units, and takes care of the financial, logistic, and operational functions, among others; and
- (3) *Top Level Manager*, shall oversee all nursing units in terms of financial and human resources for health such as nurses and nursing assistants/ adjuncts.

Nursing Service Managers must have the following minimum qualifications in addition to the requirements of a Beginning Registered Nurse:

- (a) *a First level manager in nursing* must have completed eighteen (18) units of nursing management and clinical subjects in a Master of Arts in Nursing program or Master of Science in Nursing program, at least three (3) years of clinical work experience, and have participated in at least one (1) research project on the improvement of the quality of nursing care;
- (b) *a middle level manager in nursing* must have completed all academic requirements in Master of Arts in Nursing or Master of Science in Nursing and at least three (3) years of clinical work and two (2) years of management experience, and has initiated at least one (1) one (1) research project to improve quality of care;
- (c) *a top level manager in nursing*, must have completed a post-graduate degree in nursing or health management – related sciences and at least three (3) years of clinical work and three (3) years of management experience, and initiated at least two (2) research projects on the improvement of the quality of nursing care; and
- (d) *All nursing managers* must fulfill the requirements for the issuance by the Board of the Certificate of Nursing Proficiency, or its equivalent, in line with the Nursing Leadership and Governance Certification Program (Nurse Administrator I, Nurse Administrator II, Nursing Administration Specialist).

The above qualifications shall apply to all nurses occupying supervisory or managerial positions across all health facilities.

Sec. 53. Public Health Practice. – Nursing service shall be organized and operationalized in every local health agency in order to ensure the inclusion of the nursing component of public health programs. Thus, an ideal of having at least one (1) nurse in every barangay shall be the thrust of public health in order to provide accessible, available, and affordable quality health care to all. The ideal of having at least one (1) nurse in every school, whether in private or public, shall be prioritized in every primary, secondary and tertiary educational institutions in order to instill health awareness at an early stage and to improve the health status of the students.

SEC. 54. The Chief Nursing Officer (CNO). - The nursing service and delivery of healthcare in a public health practice or community set-up shall be under the control and supervision of a CNO. The CNO shall have the authority to plan, organize, direct, and control public health nurses. A CNO must have completed a minimum of three (3) years practice in a community setting as a Public Health Nurse, and must have completed at least five (5) years experience in relevant nursing practice setting. In addition, the CNO in a public health agency must have been conferred a relevant master's degree by an educational institution duly recognized by the Government of the Philippines.

The CNO shall be responsible for the formulation of policies, strategic and operational planning, financial planning and resource allocation, policy and procedure development, professional and organizational involvement to address epidemiologic problems and provide statistical data, and shall exercise good governance and accountability of the nursing personnel in a public health setting. The CNO shall also act as the advocate for the rights and welfare of public health nurses.

Sec. 55. Nurse Supervisor (NS). – The NS shall be in charge of planning, organizing, directing, and controlling activities within a demographic unit. A NS must have completed a minimum of three (3) years practice in a community setting as a Public Health Nurse, and must be a master's degree holder in Public Health Nursing.

SEC. 56. The Public Health Nurse (PHN). – The PHN shall perform the functions and activities of health promotion, such as the prevention and treatment of various diseases and illnesses in a particular public setting. The PHN shall exercise a supervisory role to the midwives and barangay health workers within her catchment area. The PHN shall initiate and participate in developing policies and guidelines to promote basic nursing services.

ARTICLE X **Prohibited Acts and Penal**

SEC. 57. Prohibited Acts. The following shall be considered unlawful:

- (a) practicing the nursing profession in the Philippines without a certificate of registration, professional license, professional identification card, special permit or temporary permit or without having been declared exempt from examination in accordance with the provision of this Act;
- (b) using a certificate of registration, professional license, professional identification card, special permit or temporary permit of another nurse;
- (c) using an invalid certificate of registration, professional license, a suspended or revoked certificate of registration, professional license, or an expired or cancelled special or temporary permits;
- (d) misrepresents oneself or submits false evidence in order to obtain a certificate of registration, professional license, professional identification card, special permit or temporary permit;
- (e) appends the words "Nurse", "Nars", or the contraction "Nrs." before one's name, or the acronym or B.S.N./R.N after one's name without having been conferred said degree or registration; or
- (f) abets or assists to the illegal practice of a person who is not lawfully qualified to practice nursing;
- (g) offering the BSN courses without having complied with the requirements prescribed by law;
- (h) conducting review classes for both local and foreign examination without permit/clearance from the Board and the Commission,
- (i) or conducts CPD for nurses without accreditation from the Board;
- (j) undertaking or offering *in-service* training programs, for a fee and without permit/clearance from the Board and the Commission;
- (k) subscribing or providing sub-standard quality of nursing care and/or nursing practice, such as non-compliance with the nurse-patient ratio;
- (l) promoting illegal practices on the workplace, such as:
 1. contracting or availing of the services of a nurse either without salary, or allowance, or salary below the applicable wage prescribed under this Act, whether or not under the pretext of a training, development program, certification course and /or seminar;
 2. depriving or denying a nurse of the incentives and benefits as provided for by existing laws;
 3. collecting any fee from a nurse or from any person or agent in exchange for a nurse's voluntary services in a health facility;
 4. requiring or obliging a volunteer nurse to perform the regular work functions and/or regular work load expected from a regular staff nurse employed by the health facility without proper compensation, to render full-time service as a condition for the continued availment of the volunteer services, and to be the sole nurse on duty, except during disasters, calamities, and war;

5. contracting or availing of the services of a volunteer nurse, under the pretext of on-the-job training (OJT), contract of service, and job orders, in order to fill-up a vacant position that requires the hiring of a full-time regular employed nurse, or for free in exchange for any type of certification to be issued by the health facility for purposes of the nurse's employment application; or
 6. contracting or availing of the services of a nurse, under the pretext of training or certification course, but requires the nurse to render the tasks and responsibilities expected of a regular staff or public health nurse, with the so-called allowance with or without benefits, below the applicable minimum wage for both private and public institutions;
- (m) Any violation of the provisions of this Act.

SEC. 58. Sanctions. – A fine of not less than One hundred thousand pesos (P100,000.00) nor more than Three hundred thousand pesos (P300,000.00) or imprisonment of not less than one (1) year nor more than six (6) years, or both, upon the discretion of the court, shall be imposed upon violation of any prohibited acts enumerated in Section 59 (a) hereof. A fine of not less than Three hundred thousand pesos (P300,000.00) nor more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year nor more than six (6) years shall be imposed upon violation of any prohibited acts enumerated in Section 59 (b), (c), (d), and (e) hereof. In addition, suspension or revocation of license to operate may be granted upon the discretion of the court.

SEC. 59. Refund and Compensation. – Any nurse found to have been a victim of Section 59 (d) hereof shall be entitled to a full refund of all fees illegally collected and payment of unpaid salaries, which shall be computed at not less than the applicable wage.

ARTICLE XI Miscellaneous

SEC. 60. Implementing Agencies. – The Department of Health is hereby designated as the agency tasked to monitor the compliance with and implementation of the provisions of this Act by public health facilities. The Department of Labor and Employment is designated as the agency tasked to monitor the compliance with and implementation of the provisions of this Act by private health facilities. The PRC and the Board are designated as the agencies tasked to monitor the compliance with and implementation of the provisions of this Act by educational institutions, CPD providers and health facilities. The CHED is similarly designated as the agency tasked to monitor the compliance with and implementations of the provisions of this Act by educational institutions with regard to nursing education programs and its curriculum.

SEC. 61. Appropriations. – The Chairperson of the Professional Regulation Commission shall immediately include in the Commission's Programs the implementation of this Act, the funding of which shall be included in the General Appropriations Act

SEC. 62. Implementing Rules and Regulations. – Within ninety days (90) after the effectivity of this Act, the PRC, the Board, the APO, the Civil Service Commission, the Department of Budget and Management, the Department of Health and other concerned nursing organizations and government agencies, shall formulate the implementing rules and regulations necessary to carry out the provisions of this Act. The implementing rules and regulations shall be published in the Official Gazette or in a newspaper of general circulation.

SEC. 63. Separability Clause. – Should any provision of this Act be declared unconstitutional, the remaining parts not affected thereby shall remain valid and operational.

SEC. 64. Repealing Clause. – Republic Act No. 9173, otherwise known as the "Philippine Nursing Act of 2002" is hereby repealed. All other laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 65. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,