

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

3110
House Bill No. _____

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Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

Anyone who has ever benefited from the services of a nurse, or seen a nurse gently and efficiently minister to a loved one, is aware of the great debt we owe to members of this profession, as well as the difficulty of the task. Our nurses are in great demand here and abroad, but while their conditions beyond our shores are beyond our direct control, that is not so in the case of those who work here at home. . The current law governing the nursing profession is Republic Act No. 9173 or the Philippine Nursing Act of 2002, which was enacted for the protection and improvement of the nursing profession. The law set out measures aimed to ensure better nursing education, humane working conditions, improved career prospects and a dignified existence for our nurses. It also sought to guarantee the delivery of quality basic health services through an adequate nursing personnel system throughout the country.

While dutifully serving its purpose at the time, the fields of medicine and labor move quickly, and the almost fifteen year statute must be updated to ensure that it remains relevant and effective in its role of protecting and uplifting the nursing industry and healthcare in the country as a whole. Such is the goal of this bill, filed as a counterpart of Senate Bill No. 725 with the support of its author, Senator Cynthia Villar.

Emmeline Y. Villar

EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

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AN ACT
PROVIDING FOR A COMPREHENSIVE NURSING LAW TOWARDS QUALITY
HEALTH CARE SYSTEM, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives 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 of 2016.*”

Section 2. *Declaration of Policy.* – It is hereby declared the policy of the state to uphold the dignity of the nurses and assume responsibility for the protection, respect, and improvement of the nursing profession by instituting measures towards competent and relevant nursing practice for health and safety of the public, just and humane conditions of work, and 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 to all the people through the implementation of adequate and competent Nursing Personnel System (NPS) throughout the country.

Section 3. *Definition of Terms.* – The following terms when used in this Act shall mean:

- (a) Accredited Integrated Professional Organization (AIPO) refers to a professional organization of nurses duly accredited by the Professional Regulation Commission in accordance with Republic Act No. 8981.

(b) Advanced Practice Nurse (APN) refers to a nurse who acquired substantial theoretical knowledge and decision making skills in the specialty area of nursing practice and proficient clinical utilization of this knowledge in implementing independent and inter-dependent nursing interventions. Specialties can be differentiated in categories, according to function, disease, pathology, systems, age, sex, acuity, setting, technology, and therapies. They must be given certification/credentialing by the Board. An APN must be a master's degree holder 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 tract, i.e. General Nursing, Nursing Specialty/ Advanced Practice, Nursing Education, and Leadership and Governance. The Board confers the certification or credential after a validation process based on promulgated guideline and mechanisms.

(e) Commission on Higher Education (CHED) refers to the body created by law to promulgate policies, standards and guidelines in the implementation of basic and graduate program for nursing education.

(f) Health Facility refers to an institution, establishment, clinic that offers health services and nursing care, such as hospitals, barangay health centers and clinics.

(g) Nurse, as provided for in this Act, refers to a person who passed the Philippine Nurse Licensure Exams (PNLE) and whose license has not been revoked by the law. Thus, it pertains to a Registered Nurse (RN). A nurse may append before his/her name the title "Nurse", "Nars", or "Nrs." or after his/ her name the title R.N.

(h) Nursing Personnel System (NPS) refers to a system of human resource management in an institution that classifies the structure, organization, and coordination within the workforce both in private and public health care facilities and nursing educational institutions to advance the welfare and protect the rights of the nurses and to ensure the employer-employee relationship, security of tenure, just compensation, humane conditions of work, and professional growth.

(i) Philippine Nurse Licensure Exams (PNLE) refers to the written examination given by the Board in order to obtain license to practice nursing.

(j) Precarious Work is the term used to describe substandard employment conditions, such as under-payment, absence of salary, no security of tenure, lack of employer-employee relationship, no benefits, poor working conditions, and deviation from the standard employment relationships, such as contractual, false volunteerism, job orders thru agencies, part time, self-employment, fixed term

work, temporary, on call, home workers, call center jobs, few benefits, lack of collective bargaining representation, and no job security.

(k) Professional Regulation Commission (PRC) refers to the government agency pursuant to Republic Act No. 8981 or as may hereafter be amended or repealed. It shall be referred to in this Act as the Commission.

(l) Professional Regulatory Board of Nursing (PRBON) refers to the administrative body created by law to supervise and regulate the practice of the nursing profession in the Philippines. As such, the Board shall be the ultimate authority in the practice of the profession in the Philippines. It shall be referred to in this Act as the Board.

(m) Public Health Institution (PHI) refers to any government-led, owned or controlled institutions 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 e.g. Research Institute for Tropical Medicine, etc.; Training Resource Facilities e.g. 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, and the like.

(n) Special Permit refers to the permit to practice nursing in the Philippines issued by the Board to licensed nurses of foreign nationalities.

(o) Temporary Permit refers to the permit to practice nursing in the Philippines issued by the Board to Filipino nurses, who does not have a professional license from the Philippines or have not renewed their license for five (5) years, but are licensed from foreign countries.

ARTICLE II Board of Nursing

Section 4. *Creation and Composition of the Board.*— There shall be created a Professional Regulatory Board of Nursing composed of seven (7) members who shall elect among themselves a Chairperson to serve full 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 Commission and ranked from a list of three (3) nominees, per vacancy, of the accredited integrated professional organization of nurses in the Philippines and who possess the qualifications in this Act. Provided, that the membership of the Board shall comprise the scope of nursing practice.

Section 5. *Qualifications of the Members of the Board.*– The members 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 nurse in the Philippines and a holder of a valid and updated certificate of registration and a current professional identification card;
- (c) Must be a holder of a master's degree in nursing and preferably with a doctorate degree conferred by a university duly recognized by the government;
- (d) Must have at least ten (10) years of continuous practice of the nursing profession prior to appointment: Provided, however, That the last five (5) years of which must be in the Philippines; and
- (e) Must be of good moral character and has not been convicted of any offense involving moral turpitude.

Section 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, any review or training center for PNLE, training hospitals and health facilities with nursing affiliates.

Section 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.

Section 8. *Vacancy.*– Any vacancy in the Board must be filled in the manner prescribed in this Act and only for the unexpired portion of the term. Each member of the Board shall take the proper oath of office prior to the performance of duties.

Section 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.

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

Section 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 CHED shall have the 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 AIPO 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 their functions as provided through the annual budget of the Commission as promulgated in the General Appropriations Act;
- (i) Source and utilize funds earmarked for national nursing development; and
- (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 Commission.
- (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.

Section 12. *Annual Report.*— The Board shall, at the close of its calendar year, submit an annual report to the President and Congress of the Philippines through the Commission giving a detailed account of its proceedings and the accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of the nursing profession.

Section 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

Section 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 Commission: 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 institution 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.

Section 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.

Section 16. *Qualifications for Admission to the PNLE.*— In order to be admitted to the PNLE, an applicant:

- (a) Must be a holder of a Bachelor of Science in Nursing degree from a recognized educational institution that complies with the standards of nursing education duly recognized by CHED;
- (b) Must be of good moral character and have not been convicted, 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; and,
- (c) Must be a citizen of the Philippines, or a citizen of a country which permits Filipino nurses to practice within its territorial limits on the same basis as the citizen of such country; *Provided*, That the requirements for the registration or licensing of nurses in said countries are substantially the same as those prescribed in this Act.

Section 17. *Fees for Examination and Registration.*— Applicants for licensure and for registration must pay the prescribed fees set by the Commission.

Section 18. *Ratings.*—In order to pass the PNLE, an examinee must obtain a grade of at least seventy-five percent (75%) of the tested areas in all competencies. An examinee who has failed the PNLE three (3) times shall not be allowed to take any further PNLE, without having undertaken a refresher program in a duly accredited institution. The board shall issue guidelines on the refresher program requirement.

Section 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 14 of this Article. A certificate of registration and professional license shall show the full name of the registrant, the signature of the Chairperson of the Commission, and the members of the Board. The certificate shall bear the logo of the Board and the official seal of the Commission.

The Commission 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 Commission; and date of registration.

Section 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 entering upon the nursing practice.

Section 21. *Roster of Nurses.*— The Commission 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.

Section 22. *Integration of the Nursing Profession.*— The nursing profession shall be integrated into one (1) national professional organization of nurses that is duly registered with the Securities And Exchange Commission (SEC). The board, subject to approval by the commission, shall accredit the said organization as the one and only Accredited Integrated Professional Organization (AIPO) of registered nurses. All nurses whose names appear in the Registry Book of Nurses shall ipso facto or automatically become members thereof and shall receive all the benefits and privileges appurtenant thereto upon payment of AIPO membership fees and dues.

Membership in the Accredited Integrated Professional Organization (AIPO) shall not be a bar to membership in other nursing organizations.

Sec 23. *Foreign Reciprocity.* – No foreign nurse shall be given a certificate of registration/professional license and professional identification card or be entitled to any of the privileges under this Act unless the country or state of which the foreign nurses is a citizen

permits Filipino nurses to practice within its territorial limits on the same basis as the citizens of said country or state.

Section 24. *Practice through Special or Temporary Permit.* – The Board may issue a special or temporary permit to the following persons based on qualification, and professional and moral standards as approved by the Commission: Provided, that a completion report will be submitted to the Commission after every mission, to wit:

- (a) Licensed 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.

Section 25. *Non-registration and Non-issuance of Certificate of Registration, Professional License.* - No person convicted by final judgement 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, 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.

Section 26. *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 exceeding four (4) years.

Section 27. Reinstatement and Re-Issuance of Revoked Certificates of Registration, Professional License, and Professional Identification Card. – The Board may, after the expiration of 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

Section 28. Nursing Practice.– Nursing practice refers to the administration of care or tending through the utilization of any of the following nursing processes: 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.29. Scope of Nursing Practice. – The following are the scope of nursing practice: (1) nursing education; (2) nursing service; (3) nursing research; and, (4) nursing leadership and governance.

Section 30. Nursing Care. – Nursing Care includes, but is not limited to: 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 nursing when he or she, for a fee, salary or compensation, singly or collaboratively, performs nursing care to individuals, families, population groups, and communities.

Section 31. *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.

Section 32. *Continuing Professional Development (CPD).* - All nurses shall abide by the requirements, rules, and regulation on continuing professional development to be promulgated by the PRC Regulatory Board, subject to the approval of the commission, in coordination with the AIPO for nurses or any duly accredited education institutions. For the purpose, a CPD council is hereby created to implement the CPD Program.

Section 33. *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 at least forty (40) hours of didactic training, and at least one hundred twenty (120) hours of practicum in hospitals accredited by the Board; Provided, that the Board may adjust the minimum hours herein stated if, upon evaluation, it is determined that the adjustment or increase in hours is necessary to amply prepare and reorient the inactive nurses to the nursing practice.

ARTICLE V Nursing Education

Section 34. *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 Basic and Graduate Program for Nursing Education which must be pursuant to the CHED Law (RA 7722).

Section 35. *Basic Program for Nursing Education.* – Refers to the nursing education program that envisions to provide sound liberal and professional education, and to equip basic nursing students with the necessary competencies for entry-level safe and quality nursing practice.

Admission to the Basic Program for Nursing Education requires passing a National Nursing Admission Test (NNAT).

The curriculum and the Related Learning Experiences (RLE) must be in accordance with the National Core Competence Standards promulgated by the Board and implemented through the Policies, Standards, and Guidelines of the CHED.

Section 36. *Graduate Program for Nursing Education.*– Refers to the post baccalaureate nursing program, which builds on the experience and skills of a nurse towards mastery, expertise, and leadership in practice, research, and education. It includes a master's 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 prescribe by the prevailing CHED Policies, Standards, and Guideline for Graduate Education.

Section 37. *Qualifications of the Dean.* – The Dean of the College of Nursing (Dean) shall formulate policies, plans in collaboration with the administration/school officials and stakeholders. The Dean must adhere to the prescribe curriculum for the advancement of nursing education.

The Dean:

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

Section 38. *Qualification of the Faculty.*– The faculty in the nursing education should have the following qualifications or competencies:

- 1) Basic Program for Nursing Education. – A member of the faculty in a College of Nursing teaching profession courses:
 - (a) Must be a registered nurse in the Philippines and holder of a certificate of registration and a current professional identification card issued by the Commission;
 - (b) Must have at least three (3) years of nursing practice;
 - (c) Must be a holder of a master's degree in nursing, conferred by a college or university duly recognized by the Government of the Republic of the Philippines; and
 - (d) Must have the appropriate certificate of nursing proficiency, or its equivalent, to be issued by the PRBON.
- 2) Graduate Program for Nursing Education. – A member of the faculty teaching graduate professional course:
 - (a) Must follow prescription 1 and 2 of basic nursing education; and
 - (b) Must be a holder of a doctoral degree in nursing conferred by a university duly recognized by the Government of the Republic of the Philippines.

Section 39. *Faculty-to-Student Ratio.* – The faculty-to-student ratio must be in accordance with the standards, as may be determined and prescribed by the CHED.

ARTICLE VI Nursing Service

Sec.40. *Nursing Service.*– Nursing Service is the promotion of health and prevention of illness, which includes, but not limited to, 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) Provide health education to individuals, families and communities;

- (2) Ensure the information on healthy lifestyle are incorporated in his or her health teachings;
- (3) Seek opportunities to promote a healthy lifestyle within his or her influence;
- (4) Accept that he or she is a role model for a healthy lifestyle;
- (5) Enable people to increase control over their health and to improve health;
- (6) Build healthy public policy;
- (7) Create supportive environment;
- (8) Strengthen community action for health; and
- (9) Establish linkages with community resources and coordination of services with the health team.

Section 41. *Nursing Interventions.* – Nursing interventions include, but is not limited to any combination of essential primary health care, the application of traditional and innovative approaches, health counselling, and administration of written prescription for treatment, therapies, oral, topical, and parenteral medications, perform peripheral care covering pre-intra-postpartum care including the performance of internal examination during labor in the absence of antenatal bleeding, attend to normal delivery and suturing of perineal laceration and immediate care of the newborn; perform perioperative care covering pre-intra-post surgical care interventions; care during emergency and disaster.

Section 42. *Health Interventions in Collaboration with Other Members of the Health Team.* – In the various stages of nursing practice from promotion of health to end-of-life care, nurses shall collaborate with other members of the health team.

Section 43. *Advanced Practice Nursing.* - Advance Practice Nursing is the specialized and expanded nursing care pursuant to Section 46 hereof. Advanced Practice Nursing involves specialty training, through an advanced practice nursing program, formulated by the concerned agencies with certification to be issued by the Board after passing the qualifying examination. A Registered Nurse (RN) who seeks to be an Advance Practice Nurse (APN) must have a master's degree in Nursing.

ARTICLE VII

Nursing Research, Policy Development, and Planning

Section 44. *Nursing Research and Policy Development.*— Nursing Research and Policy Development shall involve 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.
- (c) Socio-economic welfare for nurses like occupational health and safety, human resources planning and policy, remuneration, career development.

Section 45. *Studies for Nursing Human Resource Needs, Production, Utilization and Development.*— The Board, in coordination with the accredited integrated professional organization of registered nurses and the appropriate government or private agencies, shall initiate, undertake and conduct studies on healthcare human resources production, utilization and development.

Section 46. *Advanced Practice Nursing Program.*— Within ninety (90) days from the effectivity of this Act, the Board, in coordination with the accredited integrated professional organization of registered nurses, recognized specialty organizations, and the Department of Health (DOH), is hereby mandated to formulate and develop an Advanced Practice Nursing Program that would upgrade the level of skill and competence of specialty nurse clinicians in the country, such as, but not limited to, 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 of continuous service.

Section 47. *Salary.*— In order to enhance the general welfare, commitment to service and professionalism of nurses, the minimum base pay of nurses working in the governmental health institutions shall not be lower than the existing Salary Grade 15 (SG-15); Provided, That for nurses working in local government units, adjustments to their salaries shall be in accordance with Section 10 on Compensation Adjustment for LGU Personnel of Executive Order No. 201, series of 2016.

Section 48. *Incentives and Benefits.*— The Board, in coordination with the DOH, other concerned government and non-government institutions, association of hospitals and the AIPO for registered nurses, 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 VII Nursing Leadership and Governance

Section 49. *Nursing Leadership.*— Nursing is a dynamic field that requires leaders who will go through the changing aspects of the health sector as they are part of the workforce that will toil and labor for the improvement of the health of the citizenry. Nurses adopt specific roles in organizational structure, from being the policy makers in health facilities and giving guidance to senior management on best practices in nursing and patient care. They work with healthcare leaders to establish compensation and benefit programs and are involved in nurse recruitment, training and retention. Thus, nurses in management positions shall develop patient-care programs, manage nursing budgets, plan new patient services, establish nursing policies and procedures, participate in cross-departmental decision making, conduct performance improvement activities and represents the scope of nursing practices at Board of director meetings and other stakeholder.

Section 50. *Nursing Governance.*— Governance in nursing practice is shifting from the traditional view that nurses are subordinate and passive employees towards having more proactive involvement of taking charge of the organization to be the antecedent in decision making and implementation of plans and policies for the patients and communities. Governance in the practice of nursing shall empower each nurse in decision-making over their professional practice while extending their power and control over the administrative aspect of their practice.

ARTICLE IX Nursing Personnel System

Section 51. *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 a nursing service office in every health institution, may it be administrative or clinical, with at least ten nurses. The nursing service office must be under the control and management of a chief nursing officer.

Section 52. *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 least 1: 12, in order to effectuate the quality nursing care for patients. There shall be a nurse for every barangay and industrial establishment: Provided, that the nurse shall supervise other health workers in the work area.

There shall be a nurse for every school, whether private or public, primary, secondary or tertiary, subject to the applicable ratio prescribed by the appropriate government agency.

Section 53. *Beginning Registered Nurse.*— A beginning registered nurse shall provide for safe and quality care to an individual, family, or group that is independent or provided 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 be a Bachelor of Science in Nursing graduate from a higher educational institution recognized by the CHED;
- (2) Must be a registered nurse with current certificate of registration and professional identification card issued by the Commission;
- (3) Must be physically, mentally and psychologically fit to practice nursing; and
- (4) Must not be convicted of any crime involving moral turpitude.

Section 54. *Nursing Service Management.*—Nursing Service Management refers to the Management and Administration of Nursing Services by Nurses equipped with the necessary competencies on governance and leadership, to wit:

- (1) *First Level Manager* is responsible directly for the physical set-up of the unit, structure and other human resources for health care provision.
- (2) *Middle Level Manager* is responsible for the department or section handling more than one (1) or two (2) units, taking care of the financial, logistic, operational functions and others.
- (3) *Top Level Manager* oversees 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) *For first level managerial position in nursing*, must have at least eighteen (18) units of nursing management and clinical subjects in Master of Arts in Nursing or Master of Science in Nursing, at least three (3) years of clinical work experience, and must have participated in at least one (1) research project to improve quality of care;

(b) *For middle level managerial position in nursing*, must have completed all academic requirements in Master of Arts in Nursing or Master of Science in Nursing and must have at least three (3) years of clinical work and two (2) years of management experience, and must have initiated at least one (1) research project to improve quality of care;

(c) *For top level managerial position in nursing*, must have 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 must have initiated at least two (2) research projects to improve quality of care; and

(d) *For all managerial positions* – Must present the appropriate Certificate of Nursing Proficiency, or its equivalent, from the Board in observance of 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.

Section 55. *Public Health Practice.*– A nursing service shall be organized and operationalized in every local health agencies in order to ensure 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. More so, the ideal of having at least one (1) nurse in every school, whether private or public, shall be prioritized in every primary, secondary and tertiary educational institution in order to instill health awareness at an early stage and to improve the health status of the students.

Section 56. *The Chief Nursing Officer (CNO).*– The nursing service and delivery of healthcare in a public health practice or community set-up must be under the control and management of the Chief Nursing Officer or CNO. The CNO shall carry full administrative responsibility and shall have the authority on planning, organizing, directing, and controlling of public health nurses. A CNO must have a minimum of three (3) years practice in a community setting as a Public Health Nurse, and must have at least five (5) years of experience in relevant nursing practice setting. In addition, the CNO in public health agency must be a master's degree holder in relevant nursing practice setting, conferred by an educational institution duly recognized by CHED.

The CNO is responsible for the formulation of policies, strategic and operational planning, financial plan and resource allocation, policies 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.

Section 57. *Nurse Supervisor (NS).*—The Nurse Supervisor or NS shall be in charge of planning, organizing, directing and controlling activities within a demographic unit. A NS must have 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 or its equivalent.

Section 58. *The Public Health Nurse (PHN).*— The Public Health Nurse or 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 area. The PHN shall initiate and participate in developing policies and guidelines to promote basic nursing services.

ARTICLE X Prohibited Acts and Penal

Section 59. *Prohibited Acts.*— Any of the following shall constitute unlawful and illegal acts:

- (a) Any person who is practicing the nursing profession in the Philippines:
 - 1) 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;
 - 2) Who uses a certificate of registration, professional license, professional identification card, special permit or temporary permit of another;
 - 3) Who uses 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;
 - 4) Who, by any means of misrepresentation, false evidence, or concealment, obtained a certificate of registration, professional license, professional identification card, special permit or temporary permit;
 - 5) Who falsely poses or advertises as a registered and licensed nurse or uses any other means that tend to convey the impression that he/she is a registered and licensed nurse;
 - 6) Who appends "Nurse", "Nars", or "Nrs." before his or her name or B.S.N./RN. (Bachelor of Science in Nursing/Registered Nurse) after his or her name without having been conferred said degree or registration; or

7) Who, as a registered and licensed nurse, abets or assists in the illegal practice of a person who is not lawfully qualified to practice nursing.

- (b) Any natural or juridical person, educational institutions offering BSN without full compliance with the requirements prescribed by law conducts Continuing Professional Development for nurses without accreditation from the Board; or any natural or juridical person or health facility who undertakes or offers in-service training programs for a fee and without permit/clearance from the Board and the Commission;
- (c) Any natural or juridical person or health facility who subscribes to sub-standard quality of nursing care and/or nursing practice, such as non-compliance with the nurse-to-patient ratio;
- (d) Any natural or juridical person or health facility who exercises and promotes precarious working conditions to nurses, such as, but not limited to, the following:
 - 1) Contracting or availing of the services of a nurse either without salary, for allowance, for 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 fees from a nurse or from any person or agent in his or her behalf in exchange for voluntary services of a nurse 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 his/her volunteer services, and/or to be the sole nurse on duty, except during disasters, calamities, public emergencies 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/or 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 employment application of the nurse; or

6) Contracting or availing of the services of a nurse, under the pretext of training or certification course, but requiring the nurse to render the tasks and responsibilities expected of a regular staff or public health nurse, in violation of Section 48 hereof;

(e) Any violation of the provisions of this Act.

Section 60. *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 the health facility may be issued upon the discretion of the court. In case the violation is committed by a partnership, corporation, association, or any other juridical person, the managing partner, president, director/s, or manager who has committed or consented such violation shall be held directly liable and responsible for the acts, as principal or as co-principal/s with the other participants, if any.

Section 61. *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 fees and charges and the payment of unpaid salary, if any which should not be less than the applicable wage for services rendered.

ARTICLE XI Miscellaneous

Section 62. *Implementing Agencies.*— The Department of Health (DOH) is hereby designated as the agency tasked with monitoring the compliance with and implementation of the provisions of this Act by public health facilities. The Department of Labor and Employment (DOLE) is designated as the agency tasked with monitoring the compliance with and implementations of the provisions of this Act by private health facilities. The Commission and the Board are designated as the agencies tasked with monitoring the compliance with and implementations of the provisions of this Act by educational institutions, CPD providers and health facilities. The CHED is similarly designated as the agency tasked with monitoring the compliance with and implementations of the provisions of this Act by educational institutions with regard to nursing education programs and curriculum.

Section 63. *Appropriations.*— The amount necessary to carry out the provisions of this Act shall be charged to savings of the concerned agencies immediately upon effectivity hereof.

Every year thereafter, the amounts necessary to effectively implement the provisions of this Act shall be included in the annual budget of the concerned agencies to be incorporated in the General Appropriations Act (GAA).

In order to effectively carry out the advance practice of the nursing program, the annual financial requirement needed to train at least ten percent (10%) of the nursing staff of the participating government hospitals and institutions shall be chargeable against the income of the Philippine Charity Sweepstakes Office (PCSO) and the Philippine Amusement And Gaming Corporation (PAGCOR), which shall equally share in the costs; the same shall be released to the Department of Health subject to the usual accounting and auditing procedures. Provided, that the Department of Health shall set the budget for, as well as the criteria for the availment of this program.

Section 64. Implementing Rules and Regulations. – Within ninety days (90) after the effectivity of this Act, the Commission, the Board, the AIPO for registered nurses, 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 at least two (2) newspapers of general circulation.

Section 65. Separability Clause. – Should any provision of this Act be declared unconstitutional, the remaining parts not affected thereby shall remain valid and operational.

Section 66. 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.

Section 67. Effectivity.– This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,