

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



Senate
Office of the Secretary

'13 AUG -7 110 :09

SENATE
S.B. NO. 1237

RECEIVED BY: *ja*

Introduced by SENATOR FERDINAND R. MARCOS, JR.

Explanatory Note

This piece of legislation proposes some areas of reform to the nursing profession.

To enhance the important contribution of nurses in our country, it is proposed that the role of the nurses go beyond the general practice, and instead include specialized, expanded, and advanced nursing care services.

Screening through an entrance exam will restrict enrolment into nursing courses. Aside from the required general average of 75% for the Nursing Licensure Examination, a nursing graduate is allowed to take the said board examinations for a maximum of 3 chances. Anybody who failed the exam twice would be required to take a refresher course before being allowed to take the board for the third and final time.

Higher educational requirements are likewise required for deans and faculty members of nursing schools in order to complete the desired reform in the profession.

This proposed law furthermore prohibits volunteer service of nurses in any health institutions in order to address the numerous complaints that some health institutions require new nurses to pay fees, under the guise of training, when they work there to gain experience.

The National Nursing Career Progression Program is also hereby institutionalized in order to obtain the highest level of standards for the Philippine Nursing workforce for in-country and global responsiveness and relevance.

Nursing is one of the most sought after professions, not only in the country, but elsewhere in the world. The Philippines takes pride in producing quality nurses who selflessly offer their indefatigable services not only to their countrymen, but also to citizens of other countries worldwide. It is therefore, imperative that we continue to open the windows of improvement into this noble profession, and be instrument of a healthy and wholesome society.

Early approval of this bill is hereby earnestly requested.


FERDINAND R. MARCOS, JR

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



'13 AUG -7 AIO :09

SENATE
SENATE BILL NO. 1237

RECEIVED BY: *fr*

Introduced by Senator FERDINAND R. MARCOS, JR.

AN ACT INSTITUTING REFORMS TO FURTHER PROTECT AND DEVELOP THE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED NINETY-ONE HUNDRED AND SEVENTY-THREE, OTHERWISE KNOWN AS THE "PHILIPINE NURSING ACT OF 2002."

**ARTICLE I
TITLE**

Section 1. Short Title. This Act shall be known as the "*Philippine Nursing Practice Reform Act of 2013.*"

**ARTICLE II
DECLARATION OF POLICY**

Section 2. Declaration of Policy. Public health safety demands a high level of competency among Filipino nurses. It is hereby declared the policy of the State to guarantee universal access to the delivery of basic quality health services through an adequate nursing personnel system throughout the country. The State recognizes nurses as prime movers of national development and contributors to international cooperation and understanding. As such, the State assumes responsibility for the protection, improvement and development of the nursing profession by instituting measures that will result in relevant and quality nursing practice, humane working conditions, better career prospects, and a dignified existence for nurses to ensure high level of wellness and well-being.

**ARTICLE III
DEFINITION OF TERMS**

Section 3. For purposes of this Act, the following terms are hereby defined:

- (a) **Nurse** – As provided for in this law, a nurse shall refer to a Bachelor of Science in Nursing graduate, licensed/registered in the roster of professionals of the Professional Regulatory Commission (PRC), to practice the profession of Nursing. The nurse may also be referred to as Professional Nurse, Registered Nurse, Professional Registered Nurse, or R.N.;
- (b) **Professional Regulation Commission (PRC)** – is the government agency described under Republic No. 8981 or as may hereafter be amended or repealed and shall effectively be referred to in this law as "the Commission";
- (c) **Professional Regulatory Board of Nursing (PRBON)** – is the administrative body created by law to supervise and regulate the practice of the nursing profession in the Philippines. As such, the PRBON shall be the ultimate authority in the practice of the profession in the Philippines and shall hereinafter be referred to as the Board;
- (d) **Accredited Professional Organization (APO)** – a professional organization of nurses duly accredited by the Professional Regulation Commission as per R.A. No. 8981, hereinafter referred to as APO;

- (e) **Public Health Institution** – any government-led, owned or controlled institutions which pursues and realizes the lofty goals and objectives of providing/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 and/or Universities offering Health-Related Programs; the Department of Health and all retained Health Facilities, and the like;
- (f) **Certification/Credentialing** – a 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 guidelines and mechanisms.
- (g) **Commission on Higher Education (CHED)** – the government agency created to lead, promote, and regulate "Higher/Tertiary Education" in the Philippines created under Republic Act No. 7722, hereinafter referred to as CHED.
- (h) **Bachelor of Science in Nursing (BSN)** – refers to the tertiary/higher education program which provides graduates with a Baccalaureate Nursing Degree and shall hereinafter be referred to as BSN. This program is effectively promulgated under enabling Policies, Standards, and Guidelines (PSG) issued by the Commission on Higher Education (CHED).

ARTICLE IV – Scope of Nursing

Section 4. Scope of Nursing Practice. A person shall be deemed to be practicing nursing within the meaning of this Act, when singly or in collaboration with another, with compensation or a fee, the person assumes any or all of the three ROLES: (1) *provider of direct client care*, (2) *manager and leader*, and (3) *researcher*. Clients include *individuals* with varying age groups, gender and with varied health-illness status, families, population groups, and communities in any health care setting. Nursing encompasses care of clients in the various stages of human growth and development which covers conception, labor, delivery, infancy, childhood, toddler, preschool, school age, adolescence, adulthood, and old age.

Nurses are primarily responsible for the promotion of health and prevention of illness. As members of the health team, nurses shall collaborate with other health care providers for the promotive, preventive, curative and rehabilitative aspects of care, restoration of health, alleviation of suffering, and when recovery is not possible, provide end-of-life care.

In performing independent and collaborative functions, it shall be the duty of the nurse to:

- (a) provide nursing care through the utilization of the nursing process. Basic nursing care is holistic care which includes but not limited to the provision of physiologic, psycho-social, emotional, and spiritual care. This shall comprise any or combination of essential primary health care, the application of traditional and innovative approaches, therapeutic use of self, rendering health care techniques and procedures, safety and comfort measures, health education, health counseling, and administration of written prescription for treatment, therapies, oral, topical and parenteral medications, perform peripartal 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 disasters; and end-of-life care;
- (b) provide specialized, expanded, and advanced nursing care based on standards promulgated by the Board;
 - (c) establish linkages, collaborate with community resources and coordinate with the health team in any health care setting;
 - (d) provide health education and health counseling to empower individuals, families, population groups and communities to maintain, attain, restore and sustain optimal health and quality of life;
 - (e) teach, guide and supervise students in nursing education programs including the administration of nursing services in varied settings such as hospitals, clinics, and other health industry settings where the practice of the nursing profession exists;
 - (f) undertake consultation services and engage in such services that require the utilization of knowledge and decision-making skills of a Nurse;
 - (g) supervise nursing and ancillary nursing personnel in the delivery of safe and quality healthcare services in varied settings;
 - (h) maintain competence by adhering to the national nursing core competency standards (NNCCS) and engaging in Continuing Professional Development (CPD) and lifelong learning within the context of the national nursing career progression program (NNCPP);
 - (i) observe at all times, the Code of Ethics for Nurses promulgated by the Board, uphold the standards of safe and quality nursing practice, and demonstrate responsible citizenship;
 - (j) Undertake nursing and health human resource development, training, and research for continuous quality improvement and evidence-based practice.

Section 4-A. Nursing Service – refers to the healthcare services provided by nurses in accordance with Article IV, Section 4 hereof and adheres to the core competency standards prescribed by the Board. Nursing Services include provision of beginning, specialized, expanded, and/or advanced practice of nursing including nursing management in various healthcare industry settings such as institutions (hospitals, clinics, schools, or companies, public health institutions, etc.) or communities where the competencies of a nurse are required.

(A) General Nursing Practice – is the provision, by nurses, of safe, holistic, and quality care to individuals, families, population groups, or communities, independently, or collaboratively or as part of the healthcare team, who will assess, plan, implement, and evaluate evidence-based care provided to clients;

The nurse shall possess the following minimum qualifications:

- (1) Graduated from a Bachelor of Science in Nursing from a college or university duly recognized by the CHED;
- (2) Possess a certificate of registration and current professional identification card issued by the Commission;
- (3) Physically, mentally, and psychologically fit to practice nursing;
- (4) Not convicted of any crime involving moral turpitude; and
- (5) A member of the APO for nurses.

(B) Advanced Nursing Practice – is the provision, by nurses, of safe, holistic, and quality care to individuals, families, population groups, or communities requiring advanced or higher level competencies in the

delivery of healthcare services independently or collaboratively or as part of the healthcare team.

Advanced Practice Nurses (APN) are nurses with the following qualifications over and above the General Practice Nurse requirements:

- (1) A graduate with relevant master's degree from a university duly recognized by the CHED;
- (2) Certified/credentialed based on standards promulgated by the Board;
- (3) Demonstrate the requisite experience in the field of specialization/advance practice.
- (4) Member of the APO and the appropriate PRBON-Recognized Specialty Nursing Organization relevant to one's specialty/advance practice;

(C) Nursing Service Management – refers to the Management and Administration of Nursing Services by Nurses equipped with the necessary competencies on governance and leadership characterized to wit:

- (1) *First Level Manager*, who takes responsibility directly for the physical setup of the unit, structure, and other human resources for healthcare provision;
- (2) *Middle Level Manager*, is responsible for the department or section handling more than one or two units, takes care of the financial, logistics, operational functions and others;
- (3) *Top Level Manager*, oversees all nursing units in terms of financial and human resource-requirements for health such as nurses and nursing assistances/adjuncts.

Nursing Service Managers are nurses with the following qualifications over and above the General Practice Nurse requirements:

- (1) For *first level managerial position in nursing* – 18 units of nursing management and clinical subjects in the Master of Arts/Master of Science in Nursing, at least three (3) years of clinical/work experience, and participated in at least one (1) research project to improve quality of care.;
- (2) For *middle level managerial position in nursing* – Masters Degree in Nursing and at least three (3) years of clinical/work experience, two (2) years of management experience, and initiated at least one (1) research project to improve quality of care;
- (3) For *top level managerial position in nursing* – Masters Degree in Nursing and at least three (3) years of clinical/work experience and five (5) years of management experience; and initiated at least two (2) research projects to improve quality of care;
- (4) In all managerial positions - present the necessary Certificate of Proficiency (COP) from the Board in observance of the Nursing Leadership and Governance Certification Program (Nurse Administrator I, Nurse Administrator II, Nursing Administration Specialist);
- (5) Must be a member of good standing of the Accredited Professional Organization (APO) and the appropriate PRBON-Recognized Nursing organization relevant to one's Nursing Management and Leadership Practice.

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

Section 4-B. Nursing Education – refers to the formal learning and training in the science and art of nursing provided by higher education institutions (HEIs) duly recognized by the Commission on Higher Education (CHED).

(A) Baccalaureate Nursing Program–refers to the nursing education program which envisions providing sound liberal and professional education and equips basic nursing students with the necessary competencies for entry-level safe and quality nursing practice.

Admission to the baccalaureate nursing program shall require passing a National Nursing Admission Test (NNAT).

The Curriculum and the Related Learning Experiences (RLE) shall be in accordance with the National Nursing Core Competency Standards promulgated by the Board and implemented through the Policies, Standards and Guidelines (PSG) of the Commission on Higher Education (CHED).

(B) Graduate Nursing Education Program–refers to the post baccalaureate nursing program which builds on the experiences 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, scientific body of knowledge and practice.

Graduate Nursing Education Programs and post-graduate courses shall be offered only in colleges with Level III Accredited Baccalaureate Nursing Programs in accordance with Commission on Higher Education (CHED) Policies, Standards and Guidelines (PSG) on Graduate Education.

(C) Qualification of Faculty Members.

(1) For Baccalaureate Nursing Education - A faculty member in a college of nursing, teaching professional courses must:

- (a) be a holder of a certificate of registration and a current identification card issued by the Commission;
- (b) have at least three (3) years of clinical practice in a field of specialization;
- (c) a member of good standing in the APO of nurses;
- (d) a holder of a master's degree in nursing education or other allied health sciences conferred by a college or university duly recognized by the Commission on Higher Education;
- (e) present the necessary Certificate of Proficiency (COP) from the Board in observance of the Nursing Education Certification Program.

(2) For Post-Baccalaureate Nursing Education

- (a) a faculty member teaching Post-Baccalaureate courses must follow prescriptions (a), (b), (c), (d), and (e) above; and
- (b) a nurse teaching "professional courses" should preferably be one (1) academic degree higher conferred by a college or university duly recognized by the Commission on Higher Education.

(D) Qualification of the Dean— the Dean of the Baccalaureate Nursing Program must:

- (1) a holder of a master's degree in nursing.
- (2) a nurse in the Philippines and a holder of a certificate of registration and a current professional identification card issued by the Commission .
- (3) have at least three (3) years of clinical practice in a field of specialization.
- (4) have at least three (3) years of nursing education program management experience or three (3) years of management in any health-related institution.
- (5) undergo progressive training for deans according to set standards and possess the necessary COP by the Board in keeping with a Nursing Education Certification Program.

In addition to the requirements for the dean of the Baccalaureate Nursing Program, the dean of a Graduate Nursing Program must be a holder of a doctorate degree in nursing conferred by a College of University duly recognized by the CHED.

ARTICLE V

Organization of the Professional Regulatory Board of Nursing

Section 5. Creation and Composition of the Board. There shall be created a Professional Regulatory Board of Nursing (PRBON), referred to as the Board, to be composed of a Chairperson and six (6) members. They shall be appointed by the President of the Republic of the Philippines from among three (3) recommendees per vacancy by the Commission, chosen and ranked from a list of five (5) nominees per vacancy by the APO of nurses in the Philippines and who possess the qualifications prescribed in Section 6 of this Act.

Section 6. Qualifications of the Chairperson and Members of the Board. The Chairperson and members of the Board shall, at the time of their appointment possess the following qualifications:

- (1) Be a natural born citizen and resident of the Philippines for the last five (5) years;
- (2) Be a member of good standing of the APO of nurses;
- (3) Be a nurse in the Philippines and a holder of a certificate of registration and a current professional identification card issued by the Commission;
- (4) Be a holder of a master's degree in nursing and preferably with a doctorate degree conferred by a college or university duly recognized by the CHED;
- (5) Have at least ten (10) years of continuous practice of the nursing profession prior to appointment, Provided, however, that the last five (5) years shall be in the Philippines; and
- (6) Not convicted of any offense involving moral turpitude;

The membership to the Board shall represent the three (3) major areas of nursing, namely: Nursing Education, Nursing Service, and Community Health Nursing.

Section 7. Requirements Upon Qualification as Member of the Board of Nursing. Any person appointed as Chairperson or member of the Board shall immediately resign from any position in any school, college, university or institutions offering Bachelor of Science in Nursing and/or review program for the Philippine Nurse Licensure Examination or training hospitals or health facilities with nursing affiliates. An appointee shall not have any pecuniary interest in or

administrative supervision over any institutions offering Bachelor of Science in Nursing including review classes.

Section 8. Term of Office. The Chairperson and members of the board shall hold office for a term of three (3) years and until their successors shall have been appointed and qualified: *Provided*, That the Chairperson and members of the board may be reappointed for another term or a maximum of six (6) years.

Any vacancy in the Board occurring within the term of a member shall be filled for the unexpired portion of the term only. Each member of the Board shall take the proper oath of office prior to the performance of duties.

The incumbent chairperson and members of the Board shall continue to serve for the remainder of their term under Republic Act No. 9173 or the "Philippine Nursing Act of 2002" until their replacements have been appointed by the President and shall have been duly qualified.

Section 9. Compensation. The chairperson and members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the chairperson and members of other professional 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 shall 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 Philippine Nurse Licensure Examination (PNLE) considering the processes and systems of the PRC, which include, but not limited to application, test development, examination, correction and release of results. The use of appropriate technology/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 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 optimal health and the common good of the nation;
- (d) Ensure quality nursing education by examining and monitoring higher education institutions (HEIs) offering nursing programs and those seeking permission to open nursing courses to ensure that the NNCCS are properly complied with and maintained at all times. The authority to open and close nursing education programs offered by HEI, shall be vested on the CHED, subject to nursing practice standards set by the Board;
- (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 ad testificandum* and *subpoena duces tecum*

- to require the appearance of respondents and witnesses and the production of documents and penalize with contempt persons obstructing, impeding and/or otherwise interfering with the conduct of such proceedings, upon application with the Board or the Commission;
- (f) Promulgate a Code of Ethics that is responsive to the needs of the nursing profession in coordination with the APO of nurses within one (1) year from the effectivity of this Act
 - (g) Institute and regulate the National Nursing Career Progression Program (NNCCP) in nursing to ensure quality continuing professional development of Filipino nurses, recognize specialty nursing organizations, 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) Make decisions to influence authorities/agencies on matters that directly affect nurses' welfare;
 - (i) Ensure performance of mandated duties and functions with the provision of operational resources including human resource, physical space and budget 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;
 - (j) Source and utilize funds earmarked for national nursing development; and
 - (k) Prescribe, adopt, issue and promulgate guidelines, regulations, measures and decisions 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 the review and approval by Commission.

Section 12. Annual Report. The Board shall, at the close of its calendar year, submit an annual report to the President 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 licensure examination; and
- (c) unprofessional, immoral or dishonorable conduct.

Article VI Examination and Registration

Section 14. Philippine Nurse Licensure Examination (PNLE). All applicants for certification of registration to practice nursing shall be required to pass a written examination, which shall be given by the Board in such places and dates as may be designated by the Commission: *Provided*, That it shall be in accordance with existing PRC law.

Section 15. Qualifications for Admission to the PNLE. In order to be admitted to the examination for nurses, an applicant, from the time of graduation, must file immediately an application and establish to the satisfaction of the Board that the applicant is:

(a) 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 said countries are substantially the same as those prescribed in this Act;

(b) of good moral character; and

(c) a holder of a Bachelor of Science in Nursing degree from a college or university that complies with the standards of nursing education duly recognized by the CHED;

Section 16. Scope of Examination. The scope of examination for the practice of nursing shall be determined by the Board taking into consideration the core competencies required of nurses considering the objectives of the nursing curriculum in response to the needs of society and health industry demands. The PNLE shall be based on a competency-based test framework.

Section 17. Ratings. In order to pass the examination, an examinee must obtain at least seventy-five (75%) of tested areas of competencies. An unsuccessful examinee shall be given a chance to take the PNLE only for a maximum of three (3) times.

Section 18. Oath of Profession. All successful examinees shall be required to take an oath of profession before the Board or any government official authorized to administer oaths prior to registration and actual practice of the profession.

Section 19. Issuance of Certificate of Registration/Professional License and Professional Identification Card. A certificate of registration/professional license as a nurse shall be issued to an applicant who passes the examination and upon payment of the prescribed fees. Every certificate of registration/professional license shall show the full name of the registrant, the serial number, 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.

A professional identification card is proof that the holder possesses a valid professional license. It is duly signed by the Chairperson of the Commission, bearing the date of registration, number and the date of issuance and expiration thereof shall likewise be issued to every registrant upon payment of the required fees.

Only upon satisfaction of all registration requirements shall a registrant be allowed to affix the initials R.N. after one's name whenever and wherever the signature as nurse is required indicating official performance of duties and functions as a nurse.

Section 20. Fees for Examination and Registration. Applicants for licensure and for registration shall pay the prescribed fees set by the Commission.

Section 21. Automatic Registration of Nurses. All those whose names appear in the roster of "passed examinees" under the PRC Computer Automated System (CAS) and procedures shall ipso facto be registered as professional nurses. Same roster of nurses may automatically be used by the APO as basis for enlistment of members following APO-specific membership procedures.

Section 22. Registration by Reciprocity. A certificate of registration/professional license may be issued without examination to nurses registered under the laws of a foreign state or country: *Provided*, That the requirements for registration or licensing of nurses in said country/ies are substantially the same as those prescribed under this Act: *Provided, further*, That the laws of such country/ies grant the same privileges to nurses of the Philippines on the same basis as the subjects or citizens of such foreign state or country.

Section 23. Practice Through Special/Temporary Permit. A special/temporary permit may be issued to the following persons based on qualification standards as determined by the Board and approved by the Commission. The special/temporary permit shall be effective only for the duration of the project, medical mission or engagement contract. To wit:

- (a) Licensed nurses from foreign countries/states 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/states on medical mission whose services shall be free in a particular hospital, center or clinic
- (c) Licensed nurses from foreign countries/states engaged by colleges/universities offering nursing as exchange professors in a branch or specialty of nursing; and
- (d) Licensed nurses from foreign countries/state who come to aid during declared disaster and calamities.

Section 24. Non-registration and Non-issuance of Certificates of Registration/Professional License or Special/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 shall be registered and be issued a certificate of registration/professional license or a special/temporary permit.

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

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

- (a) For any of the applicable causes mentioned in the preceding section,
- (b) For unprofessional and unethical conduct,
- (c) For gross incompetence or serious ignorance,
- (d) For malpractice or negligence in the practice of nursing,
- (e) For the use of fraud, deceit or false statements in obtaining a certificate of registration/professional license or a temporary/special permit,
- (f) For violation of this Act, the rules and regulations, the Code of Ethics for nurses and technical standards for nursing practice, the Policies of the Board and the Commission, or the conditions and limitations for the issuance of the temporary/special permit, or
- (g) For practicing the profession during one's suspension from such practice.

Review of cases involving penalties of revocation of certificates of registration/professional license may be undertaken after four (4) years of

effectivity upon favorable action by the Board on appeal for such review following prevailing Administrative Rules of the PRC.

Section 26. Re-Issuance of Revoked Certificates and Replacement of Lost Certificates. The Board may, after the expiration of a maximum of four (4) years from the date of revocation of a certificate of registration, 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, issue another copy of the certificate of registration/professional license.

A new certificate of registration/professional license to replace the certificate that has been lost, destroyed, or mutilated may be issued, subject to the rules of the Board.

Article VII HUMAN RESOURCES FOR HEALTH (HRH) PRODUCTION, UTILIZATION AND DEVELOPMENT

Section 27. Studies and Interventions for Nursing Human Resource Needs, Production, Utilization, and Development. The Board shall, in coordination with relevant nursing and other government and non-government agencies:

- (a) conduct studies on health human resource production, utilization and development; and
- (b) cause the implementation of HRH development strategies for nurses to achieve highly motivated and productive nursing workforce for the Philippines.

Section 28. Nurse-Patient Ratio – both government and private healthcare institutions are hereby mandated to maintain the nurse-patient ratio standard set by the Department of Health (DOH) in close collaboration with the Board:

- (1) In hospitals – based on the acuity and authorized bed capacity
- (2) In community health – based on need, population, and geography
- (3) In Occupational Setting – based on relevant legal instruments
- (4) In School Health Settings – based on relevant legal instruments

The basis for the ratio of nurse-to-patient shall be regularly reviewed and updated based on current and rational health human resource needs with the end of providing safe and quality care to recipients of healthcare.

Section 29. Institutionalization of a National Nursing Career Progression Program (NNCPP). There shall be an institutionalized National Nursing Career Progression Program as prescribed in Article V, Section 11 (g) of this Act. In the implementation of the NNCPP, the Board shall coordinate with the Civil Service Commission (CSC), Department of Labor and Employment (DOLE), Department of Health (DOH), Department of Budget and Management (DBM), and any or all government and non-government agencies for the effective and efficient implementation of this program allowing Filipino nurses to move up to varying levels of professional nursing practice according to the following progression-tracks as: General Nursing Practice Track, Nursing Specialty/Advanced Practice Track, Nursing Education Track, and Leadership and Governance Track, all geared towards obtaining the highest level of standards for the Philippine Nursing workforce for in-country and global responsiveness and relevance. Towards this end, Nursing Specialty Organizations and organized Advanced Practice Nursing groups shall be recognized and professional practitioners certified/credentialed by the Board considering national and internationally benchmarked standards of education and practice.

For purposes of certification/credentialing specialized and advanced practice nurses, assessment mechanisms including administration of specialty and advance Board Examinations may be required. The Council referred to in Article V, Section 11 (g) and the various Nursing Specialty Boards (NSB) shall be an integral arm of the Board in our country's effort to upgrade and continuously upscale the knowledge, skills, and professional attitudes and values of our Nurses for domestic and global comparability and competitiveness.

Section 30. Compensation. In order to enhance the general welfare, commitment and highest form of professional service to country and people, the minimum base pay of nurses working in both public and private health and health-related institutions shall be in accordance with prevailing salary standards set by law and shall regularly be appraised by Congress of the Republic of the Philippines cognizant of the professional nature and significant national health services contribution rendered by Filipino Nurses.

Section 31. Incentives and Benefits. To the extent possible and as may be provided by law, mechanisms shall continuously be explored and systems developed by the proper government and non-government agencies and instrumentalities, to provide incentives and benefits to Filipino Nurses serving in both government and private sector. The Magna Carta for Public Health Workers and the Philippine Labor Code shall also be regularly appraised by Congress of the Republic of the Philippines to respond to work and life conditions of nurses in the country.

Section 32. Requirements for Inactive Nurses Returning to Practice. Nurses are deemed to be inactive when they are not utilizing nursing competencies as defined in the scope of practice hereof for five (5) consecutive years;

Inactive nurses shall be required to undertake appropriate "assessment mechanisms" to determine level of competencies and undergo, as necessary, a refresher course following the established mechanisms by the Board for accreditation of the provider and the refresher course.

ARTICLE VIII PENAL AND MISCELLANEOUS PROVISIONS

Section 33. Prohibition in the Practice of Nursing. A fine of not less than One Hundred Thousand Pesos (Php100,00.00) nor more than Three Hundred Thousand Pesos (Php300,0000.00) 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 the following classification of offenses:

(a) Acts prejudicial to the Practice of Professional Nursing

1. violations against the Code of Ethics;
2. Violations against Professional Standards;
3. Violations against human/patient's rights; and

(b) Acts by any person practicing nursing in the Philippines within the meaning of this Act:

1. without a certificate of registration/professional license and professional identification card or special/temporary permit or without having been declared exempt from examination in accordance with the provision of this Act; or

2. who uses as his/her own certificates of registration/professional license and professional Identification Card or special/temporary permit of another; or
 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/temporary permit; or
 4. who gives any false evidence to the Board in order to obtain a certificate of registration/professional license, a professional Identification Card or special/temporary permit; or
 5. who falsely poses or advertises as a registered/licensed nurse or uses any other means that tend to convey the impression that he/she is a registered/licensed nurse; or
 6. who appends B.S.N., R.N., or any similar appendage to his/her name without having been conferred said degree or registration; or
 7. who as a registered/licensed nurse, abets or assists the illegal practice of a person who is not lawfully qualified to practice nursing;
- (c) Any person or chief executive officer of a juridical entity who undertakes in-service educational program or who conducts review classes for both local and foreign examination without permit/clearance from the Board and the Commission; or
- (d) Any person or employer of nurses who violate the minimum base pay of nurses and the incentives and benefits that should be accorded them as specified in Sections 31 and 31, Article VI of this Act;
- (e) Any person or the Chief Executive Officer of a juridical entity violating any provisions of this Act.

ARTICLE IX

Final Provisions

Section 34. Enforcement of this Act. It shall be the primary duty of the Commission and the Board to effectively implement this Act. Law enforcement agencies and officers of national, provincial, city or municipal governments shall, upon the call or request of the Commission or the Board, shall render assistance in enforcing the provisions of this Act and to prosecute any persons violating the same.

Section 35. Appropriations. The chairman of the Commission shall immediately include in its program and issue such rules and regulations to implement the provisions of this Act, the funding of which shall be included in the annual General Appropriations Act.

Section 36. Implementing Rules and Regulations. Within ninety (90) days after the effectivity of this Act, the Board and the Commission, in coordination with the Accredited Professional Organization (APO) and other Professional Nursing Organizations, the Department of Health (DOH), the Department of Budget and Management (DBM), the Civil Service Commission (CSC), and other concerned 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.

Section 37. Separability Clause. If any part of this Act is declared unconstitutional, the remaining parts not affected thereby shall continue to be valid and operational.

Section 38. Repealing Clause. Republic Act no. 9173, otherwise known as the "Philippine Nursing Act of 202" is hereby repealed. All other laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with the amendatory or repealing provisions of this Act are hereby amended, repealed, or modified accordingly.

Section 39. Effectivity Clause. This Act shall take effective fifteen (15) days after its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,