

Fifteenth Congress
First Regular Session

HOUSE BILL NO. **4567**

Introduced by Honorable Carlos M. Padilla

EXPLANATORY NOTE

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

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

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

RA 9173 must be amended to achieve the vision of the Philippine professional nursing care to be the best for the Filipino and the choice of the world by 2030. Such amendments provide restructuring of the scope and practice of nursing to include certification, specialization and educational requirements, expanding the powers of the Board of Nursing to strengthen its role in decision-

making processes concerning the nursing practice, providing additional educational requirements for different levels of nursing practice to ensure competitiveness and further strengthen the nursing profession and provide a better practice environment.

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

In view of the foregoing, approval of this bill is earnestly sought.



CARLOS M. PADILLA

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AN ACT
INSTITUTING REFORMS TO FURTHER PROTECT AND DEVELOP
THE NURSING PROFESSION, AMENDING FOR THE PURPOSE
REPUBLIC ACT NUMBERED NINETY-ONE HUNDRED AND
SEVENTY-THREE, OTHERWISE KNOWN AS THE “*PHILIPPINE*
***NURSING ACT OF 2002*”**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled:

SECTION 1. Section 1 of Republic Act No. 9173 is hereby amended to read as follows:

“SECTION 1. *Short Title.* – This Act shall be known as the
“*Philippine Nursing PRACTICE REFORM Act of [2002] 2011.*”

SEC. 2. Section 2 of the Act is also hereby amended to read as follows:

“ARTICLE II

DECLARATION OF POLICY

SEC. 2. *Declaration of Policy.* – It is hereby declared the
policy of the State to [assume] RECOGNIZE 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 education, humane working conditions, better career prospects, and a dignified existence for our nurses.

The State hereby guarantees UNIVERSAL ACCESS TO the delivery of quality basic health services through an adequate nursing personnel system throughout the country.”

SEC. 3. Section 28, Article VI of the same Act is hereby amended and designated as Section 3, Article III, to read as follows:

“ARTICLE [VI] III

[ORGANIZATION OF THE BOARD OF NURSING]

NURSING PRACTICE

SEC. [28] 3. *Scope of Nursing.* – A person shall be deemed to be practicing nursing within the meaning of this Act when he/she singly or in collaboration with another, initiates and performs nursing services to individuals, families and communities in any health care

setting. It includes, but not limited to, nursing care during conception, labor, delivery, infancy, childhood, toddler, preschool, school age, adolescence, adulthood and old age. As independent practitioners, 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, [preventive] and rehabilitative aspects of care, restoration of health, alleviation of suffering, and when recovery is not possible, towards a peaceful death. It shall be the duty of the nurse to:

a) Provide nursing care through the utilization of the nursing process. Nursing care includes, but not limited to, traditional and innovative approaches, therapeutic use of self, executing health care techniques and procedures, essential primary health care, comfort measures, health teachings, and administration of written prescription for treatment, therapies, oral, topical and parental medications, internal examination during labor in the absence of antenatal bleeding and delivery. [In case of suturing of perineal laceration, special training shall be provided according to protocol established];

b) [Establish linkages] COLLABORATE with community resources and [coordination] COORDINATE with THE MEMBERS OF the health team IN ANY HEALTH CARE SETTING;

c) Provide health education to AND COLLABORATE WITH individuals, families and communities TO MAINTAIN, ATTAIN AND RECOVER OPTIMAL HEALTH AND QUALITY OF LIFE;

x

x

x

Provided, That this section shall not apply to nursing students who perform nursing functions under the direct supervision of a qualified faculty: *Provided, further*, That in the practice of nursing in all settings, the nurse is [duty-bound] MANDATED to observe the Code of Ethics for Nurses and uphold the standards of safe nursing practice. The nurse is required to maintain competence by PROFESSIONAL continual learning (CPL) [through continuing professional education (CPE) to be provided by the accredited professional organization or any recognized professional nursing organization.] AS PRESCRIBED BY THE BOARD OF NURSING: *Provided, finally*, That the program and activity for the

PROFESSIONAL continual LEARNING shall be submitted to and approved by the Board.”

SEC. 4. Sections 3, 4 and 9 of Article III of the same Act is hereby amended to read as follows:

“ARTICLE [III] IV

ORGANIZATION OF THE BOARD OF NURSING

SEC. [3] 4. *Creation and Composition of the Board.* – There shall be created a Professional Regulatory Board of Nursing, hereinafter 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 two (2) recommendees, per vacancy, of the Professional Regulation Commission, hereinafter referred to as the Commission, chosen and ranked from a list of three (3) nominees, per vacancy, of the accredited professional organization of nurses in the Philippines who possess the qualifications prescribed in Section [4] 5 of this Act.

SEC. [4] 5. *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:

(a) Be a natural born citizen and resident of the Philippines
FOR THE LAST THREE YEARS;

x x x

(c) Be a registered nurse IN THE PHILIPPINES AND A
HOLDER OF A VALID PROFESSIONAL IDENTIFICATION
CARD [and holder of a master's degree in nursing, education or other
allied medical profession conferred by a college or university duly
recognized by the government];

(D) BE A HOLDER OF A MASTER'S DEGREE IN
NURSING, OR OTHER ALLIED MEDICAL PROFESSION
CONFERRED BY AN ACCREDITED UNIVERSITY; *Provided*,
That the majority of the members of the Board shall be holders of a
masters' degree in nursing; *Provided, further*, That the chairperson
shall be a holder of a masters' degree in nursing;

[d] (E) Have at least ten (10) years of continuous practice of the
profession prior to appointment; [*Provided, however*, That the last five
(5) years of which shall be in the Philippines.]

[e] (F)[Not have been convicted of any offense involving moral
turpitude] MUST BE OF PROVEN HONESTY AND INTEGRITY;

x x x

SEC. [9] 10. *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) [Conduct the licensure examination for nurses] FORMULATE GUIDELINES AND OVERSEE THE PROPER CONDUCT OF THE LICENSURE EXAMINATION FOR NURSES.

b) Issue, suspend, revoke OR REISSUE certificates of registration for the practice of nursing AND ENSURE WIDEST PUBLICATION THRU ELECTRONIC AND WRITTEN MEDIA;

c) Monitor and enforce quality standards of nursing practice in the Philippines and exercise the powers necessary to ensure the maintenance of efficient, [ethical] ETHICO-MORAL, [and] technical, [moral] AND professional standards in the practice of nursing [taking into account the health needs of] TOWARDS OPTIMUM HEALTH AND THE COMMON GOOD OF THE NATION;

d) Ensure quality nursing education by examining AND MONITORING the prescribed facilities of universities or colleges of nursing or departments of nursing education and those seeking permission to open nursing courses to ensure that standards of nursing education are properly complied with and maintained at all times. The

authority to open and close colleges of nursing and/or nursing education programs shall be vested [on] IN the Commission on Higher Education upon the written recommendation of the Board;

e) [Conduct hearings and investigations to resolve complaints against nurse practitioners for] ADDRESS unethical and unprofessional conduct and violations of this Act, or its rules and regulations *MOTU PROPIO* and in connection therewith, ENFORCE SANCTIONS AND issue *subpoena ad testificandum* and *subpoena duces tecum* to secure the appearance of respondents and witnesses and the production of documents and punish with contempt persons obstructing, impeding and/or otherwise interfering with the conduct of such proceedings, upon application with the court;

f) Promulgate a Code of Ethics THAT IS RESPONSIVE TO THE NEEDS OF THE NURSING PROFESSION, in coordination and consultation with the accredited professional organization of nurses within one (1) year from the effectivity of this Act;

g) Recognize nursing specialty AND INTEREST organizations [in coordination with the accredited professional organization];

H) PARTICIPATE FULLY AT ALL LEVELS OF DECISION-MAKING IN MATTERS THAT MAY AFFECT THE LIVES AND WELFARE OF NURSES BY COORDINATING WITH OTHER GOVERNMENT AND NON-GOVERNMENT AGENCIES IN RELATION TO NURSING PROGRAMS AND ACTIVITIES. CONSEQUENTLY, NURSES SHALL BE GIVEN MANDATORY REPRESENTATION IN POLICY-MAKING BODIES;

I) IDENTIFY AREAS OF ADVANCED NURSING PRACTICE AND FORMULATE GUIDELINES FOR AUTHORIZATION AND CERTIFICATION. AS USED IN THIS ACT, ADVANCED NURSING PRACTICE SHALL MEAN A SPECIALTY AREA OF NURSING PRACTICE UTILIZING SUBSTANTIAL THEORETICAL KNOWLEDGE AND PROFICIENCY IN CLINICAL SKILLS AND IN IMPLEMENTING INDEPENDENT AND COLLABORATIVE NURSING INTERVENTIONS;

J) INITIATE THE CREATION OF A BODY WHICH SHALL ASSIST IN THE IMPLEMENTATION OF GUIDELINES AND STANDARDS OF NURSING PRACTICE AND EDUCATION, INCLUDING THE ACCREDITATION OF

NURSING SERVICES AND HEALTH FACILITIES. SUCH BODY SHALL BE UNDER THE SUPERVISION OF THE BOARD;

K) ESTABLISH STANDARDS OF NURSING PRACTICE AND NURSING POSITION LEVELS;

[h] L) Prescribe, adopt, issue and promulgate guidelines, regulations, measures and decisions as may be necessary for the improvement of the nursing practice, advancement of the profession and for the proper and full enforcement of this Act subject to the review and approval by the Commission.”

SEC. 5. Section 13 of the same Act is hereby amended to read as follows:

“SEC. [13] 14. *Qualifications for Admission to the Licensure Examination.* – In order to be admitted to the examination for nurses, an applicant must, at the time of filing his/her application, establish to the satisfaction of the Board that:

a) x x x

c) He/she is a holder of a Bachelor’s Degree in Nursing,
AND IS FILING THE APPLICATION WITHIN THREE (3) YEARS
AFTER GRADUATION from a college or university that complies

with the standards of nursing education duly recognized by the proper government agency.”

SEC. 6. Section 15 of the same Act is hereby amended to read as follows:

“SEC. [15] 16. *Ratings AND EXAMINATION.* – In order to pass the examination, an examinee must obtain a [general average] RATING of at least seventy-five percent (75%). [with a rating of not below sixty percent (60%) in any subject. An examinee who obtains an average rating of seventy-five percent (75%) or higher but gets a rating below sixty percent (60%) in any subject must take the examination again but only in the subject or subjects where he/she is rated below sixty percent (60%). In order to pass the succeeding examination, an examinee must obtain a rating of at least seventy-five percent (75%) in the subject or subjects repeated.]; *PROVIDED*, THAT EXAMINEES SHALL BE DISQUALIFIED FROM TAKING FUTURE NURSING LICENSURE EXAMINATIONS AFTER FAILING THREE (3) EXAMINATIONS.”

SEC. 7. Section 25 of the same Act is hereby amended to read as follows:

“ARTICLE [V] VI
NURSING EDUCATION

SEC. [25] 26. *Nursing Education Program.* – The nursing education program shall provide sound general and professional foundation for the practice of nursing.

X

X

X

NO PERSON SHALL BE ADMITTED INTO THE BACCALAUREATE NURSING PROGRAMS WITHOUT PASSING THE NATIONAL NURSING ADMISSION TEST (NNAT) THE PASSING RATE OF WHICH SHALL BE SEVENTY-FIVE PERCENT (75%). THE NNAT SHALL BE ADMINISTERED ONCE A YEAR UNDER THE SUPERVISION OF AND IN COORDINATION WITH THE BOARD.

SUBJECTS ON LEADERSHIP AND MANAGEMENT CAPABILITIES, NURSING LAW AND JURISPRUDENCE, CODE OF NURSING ETHICS AND STANDARDS OF SAFE NURSING PRACTICE SHALL BE INCLUDED IN THE NURSING CURRICULA AT THE TERTIARY, GRADUATE AND POST-GRADUATE LEVELS: *PROVIDED*, THAT GRADUATE AND POST-GRADUATE NURSING PROGRAMS SHALL BE

OFFERED ONLY BY INSTITUTIONS OF HIGHER EDUCATION
THAT ARE LEVEL 3 ACCREDITED. AS USED IN THIS ACT,
LEVEL 3 SHALL MEAN _____.”

SEC. 8. Section 27 of the same Act is hereby amended to read as
follows:

“SEC. [27] 28. *Qualifications of the Faculty.* – A member
of the faculty in a college of nursing teaching professional courses
must:

(A) Be a registered nurse in the Philippines AND A
HOLDER OF A VALID PROFESSIONAL LICENSE;

(b) Have at least [one (1)] THREE (3) years of clinical
practice in a field of specialization;

x x x

(E) MUST UNDERGO COMPETENCY ENHANCEMENT
EVERY TWO (2) YEARS, AS PRESCRIBED AND ACCREDITED
BY THE BOARD.

x x x

ANY MEMBER OF FACULTY OF ANY NURSING
PROGRAM WHO FAILS TO POSSESS THE NECESSARY
QUALIFICATIONS AS SPECIFIED UNDER THIS ACT SHALL

SUFFER THE PENALTY OF REVOCATION OF PROFESSIONAL LICENSE: *PROVIDED*, THAT ANY EDUCATIONAL INSTITUTION WHO, DESPITE WILLFUL KNOWLEDGE OF SUCH LACK OF QUALIFICATION, CONTINUES TO EMPLOY SUCH PERSON, SHALL SUFFER THE PENALTY OF REVOCATION OF LICENSE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF CHED.”

SEC. 9. Section 29 of the same Act is hereby amended to read as follows:

“SEC. 29. *Qualifications of Nursing Service Administrators.*

– A person occupying supervisory or managerial positions requiring knowledge of nursing must:

(a) Be a registered nurse in the Philippines;

(b) [Have at least two (2) years experience in general nursing service administration] POSSESS APPROPRIATE UNITS IN POST-GRADUATE STUDIES AND RELEVANT WORK EXPERIENCE SUCH AS:

1. FOR FIRST LEVEL MANAGER, AT LEAST NINE (9) UNITS IN MASTER OF ARTS IN NURSING OR MASTER OF SCIENCE, MAJOR IN NURSING

ADMINISTRATION OR MANAGEMENT AND AT LEAST TWO (2) YEARS OF CLINICAL WORK EXPERIENCE;

2. FOR CHIEF NURSING MANAGER, A DEGREE IN MASTER OF ARTS IN NURSING OR MASTER OF SCIENCE IN NURSING, WITH THESIS, AT ALL HOSPITAL CATEGORY LEVELS, AND FIVE (5) YEARS WORK EXPERIENCE IN NURSING SERVICE MANAGEMENT.

(C) PASS REQUISITE EXAMS TO QUALIFY THEM AS NURSING SERVICE ADMINISTRATORS.

X X X

Provided, That a person occupying the position of chief nurse or director of nursing service shall, in addition to the foregoing qualifications, possess:

(1) At least five (5) years of experience in a supervisory or managerial position in nursing; and

(2) A masters' degree major in nursing OR ALLIED HEALTH RELATED SCIENCES;

PROVIDED, THAT SAID QUALIFICATIONS SHALL APPLY TO ALL NURSES OCCUPYING SUPERVISORY OR

MANAGERIAL POSITIONS AND CHIEF NURSES OF FIRST AND SECOND LEVELS, IN ALL MEDICAL CENTERS NATIONWIDE, AS WELL AS IN ALL HOSPITALS SUCH AS, BUT NOT LIMITED TO, PRIMARY, PUBLIC, PRIVATE OR MILITARY HOSPITALS: *[Provided, further, That for primary hospitals, the maximum academic qualifications and experiences for a chief nurse shall be as specified in subsections (a), (b), and (c) of this section: Provided, furthermore, That for chief nurses in the public health nursing shall be given priority: Provided, even further, That for chief, nurses in military hospitals, priority shall be given to those who have finished a masters' degree in nursing and the completion of the General Staff Course (GSC)]: Provided, [finally] FURTHER,* That those occupying such positions before the effectivity of this Act shall be given a period of five (5) years within which to qualify."

SEC. 10. Section 30 of the same Act is hereby amended to read as follows:

"ARTICLE VII

HEALTH HUMAN RESOURCES PRODUCTION, UTILIZATION AND DEVELOPMENT

SEC. 30. *Studies for Nursing Manpower Needs, Production, Utilization and Development.* – The Board in coordination with [the accredited professional] RELEVANT NURSING organizations and appropriate government or private agencies shall initiate, undertake and conduct CONTINUING studies on [health] NURSING human resource production, utilization and development. THE BOARD SHALL LIKEWISE ENSURE THE EFFECTIVE IMPLEMENTATION OF HUMAN RESOURCES FOR HEALTH (HRH) DEVELOPMENT STRATEGIES FOR NURSES AND OTHER RELATED PERSONNEL TO ATTAIN A HIGHLY MOTIVATED AND PRODUCTIVE NURSING PERSONNEL SYSTEM AND WORKFORCE.”

SEC. 11. Section 31 of the same Act is hereby amended to read as follows:

“SEC. 31. *Comprehensive Nursing Specialty Program.* – Within ninety (90) days from the effectivity of this Act, the Board, in coordination with the accredited professional organization, recognized specialty organizations and the Department of Health is hereby mandated to formulate and develop a comprehensive nursing specialty 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 ANY REGISTERED NURSE, BEFORE BEING ALLOWED TO WORK IN SPECIALTY AREAS TO PERFORM BEYOND GENERALIST FUNCTION OR HAVE SPECIFIC SPECIALTIES, MUST FINISH THE FORMAL EDUCATION AND TRAINING TOWARDS SPECIALIZATION, POSSESS RECOGNIZED ADVANCED PRACTICE COMPETENCIES AND MUST BE CERTIFIED BY THE BOARD TO BE AN ADVANCED PRACTICE NURSE AND MUST BE A MEMBER OF A RELEVANT AND ACCREDITED NURSING SPECIALTY ORGANIZATION: *PROVIDED* FURTHER, THAT NURSING SPECIALTY ORGANIZATIONS WITH ADVANCED PRACTICE SHALL BE RECOGNIZED AND CERTIFIED BY THE BOARD, IN COORDINATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION.

X

X

X"

SEC. 12. Section 32 of the same Act is hereby amended to read as follows:

“SEC. 32. *[Salary]* COMPENSATION. In order to enhance the general welfare, commitment to service and professionalism of nurses, the minimum base pay of nurses working in the public health institutions shall not be lower than salary grade 15 prescribed under Republic Act No. 6758, otherwise known as the “*Compensation and Classification Act of 1989*.” *Provided*, That for nurses working in local government units, adjustment to their [salaries] COMPENSATION shall be in accordance with Section 10 of the said law: *PROVIDED, FURTHER, THAT ADVANCED PRACTICE NURSES IN PUBLIC AND PRIVATE HEALTH INSTITUTIONS SHALL BE ENTITLED TO ADDITIONAL REMUNERATION, BASED ON QUALIFICATIONS AS PRESCRIBED BY THE BOARD.*”

SEC. 13. Section 33 of the same Act is hereby amended to read as follows:

“SEC. 33. *Funding for the Comprehensive Nursing Specialty Program.* – The annual financial requirement needed to train at least ten percent (10%) of the nursing staff of the participating government hospital shall be [chargeable against] FUNDED FROM THE FOLLOWING SOURCES:

A. TEN PERCENT (10%) OF THE ANNUAL BUDGET OF THE DEPARTMENT OF HEALTH AS SPECIFIED UNDER THE ANNUAL GENERAL APPROPRIATIONS ACT;

B. TEN PERCENT (10%) OF the income of the Philippine Charity Sweepstakes Office and the Philippine Amusement and Games Corporation which [shall equally share in the costs and] shall be released to the Department of Health subject to accounting and auditing procedures: *Provided*, That the Department of Health shall set the criteria for the availment of this program; AND

C. 20% OF THE PROFESSIONAL REGULATION COMMISSION'S INCOME FROM THE REGULATION OF THE NURSING PROFESSION.

SEC. 14. Section 35 of the same Act is hereby amended to read as follows:

“ARTICLE VIII

Penal and Miscellaneous Provisions

SEC. 35. *Prohibitions in the Practice of Nursing.* – A fine of not less than [Fifty thousand pesos (P50,000.00)] ONE HUNDRED THOUSAND PESOS (P100,000.00) nor more than [One hundred thousand pesos] 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:

x

x

x”

SEC. 15. Sections 5, 6, 7, 8, 10 and 11 of Article III are hereby renumbered as Sections 6, 7, 8, 9, 11 and 12 respectively, of Article IV.

SEC. 16. Sections 12, 14, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of Article IV are hereby renumbered as Sections 13, 15, 17, 18, 19, 20, 21, 22, 23, 24 and 25 respectively, of Article V.

SEC. 17. Section 26 of Article V is hereby renumbered as Section 27 of Article VI.

SEC. 18. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,