

HOUSE OF REPRESENTATIVES

H. No. 1084

BY REPRESENTATIVES PADILLA, ABAYON, RODRIGUEZ (O.), JALA, ANDAYA, GORDON, NACHURA, VICENCIO, RAMIRO, CAJES, YAPHA, CLARETE, MACIAS, ZAMORA (M.), CARI, CHATTO, SOON-RUIZ, FUA, GULLAS, ROCO, WACNANG, CALIZO, LOBREGAT, UY (R.), DOMOGAN, ECLEO, JOSON, CARLOTO, TAGANAS-LAYUS, DIMAPORO, ABLAN, SUAREZ, HIZON, ROMUALDO, LAGMAN-LUISTRO, PUENTEVELLA, CHIPECO, DE VENECIA, ESPINOSA (E.R.), GONZALES II, ESCUDERO AND ANGARA-CASTILLO, PER COMMITTEE REPORT NO. 306

AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE KNOWN AS "THE PHILIPPINE NURSING ACT OF 1991" AND FOR OTHER PURPOSES

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

1 ARTICLE I

2 TITLE

3 SECTION 1. *Title.* – This Act shall be known as the Philippine
4 Nursing Act of the Year 2002.

5 ARTICLE II

6 DECLARATION OF POLICY

7 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of
8 the State to assume responsibility for the protection and improvement of

1 the nursing profession by instituting measures that will result in relevant
2 nursing education and in humane working conditions, better career
3 prospects and a dignified existence for our nurses.

4 The State hereby guarantees the delivery of quality basic health
5 services through an adequate nursing personnel system throughout the
6 country.

7 ARTICLE III

8 ORGANIZATION OF THE BOARD OF NURSING

9 SEC. 3. *Name and Composition of the Board.* – There shall be
10 created a board of nursing, hereinafter referred to as the board, to be
11 composed of a chairman and four (4) members. They shall be appointed by
12 the President of the Republic of the Philippines from among the two (2)
13 recommendees, per vacancy, of the Professional Regulation Commission,
14 hereinafter referred to as the Commission, chosen and ranked from a list of
15 three (3) nominees, per vacancy, of the accredited professional
16 organization of nurses in the Philippines who possess the qualifications
17 prescribed in Section 5 of this Act.

18 SEC. 4. *Powers and Duties of the Board.* – The Board shall
19 supervise and regulate the practice of the nursing profession and shall have
20 the following powers, duties and functions:

- 21 (a) Conduct of the licensure examination for nurses;
22 (b) Issue, suspend or revoke certificates of registration for the
23 practice of nursing;

1 (c) Study the conditions affecting the nursing practice in the
2 Philippines and exercise the powers necessary to ensure the maintenance of
3 efficient, ethical, technical, moral and professional standards in the practice
4 of nursing, taking into account the health needs of the nation;

5 (d) Examine the facilities of universities or colleges offering or
6 planning to offer Bachelor of Science in Nursing to ensure that standards
7 are properly complied with and maintained at all times. The authority to
8 open and close colleges of nursing shall be vested on the Commission on
9 Higher Education (CHED) upon the recommendation of the Board;

10 (e) Investigate violations of this Act. For this purpose, it may,
11 through its chairman, with the approval of the Board, issue summons,
12 *subpoena* or *subpoena duces tecum* to violators of this Act and witnesses
13 thereof and to compel their attendance by the power of contempt; and

14 (f) Promulgate decisions or adopt measures as may be necessary
15 for the improvement of the nursing practice, for the advancement of the
16 profession and for the proper and full enforcement of this Act.

17 The policies, resolutions, rules and regulations, orders, decisions
18 issued or promulgated by the Board shall be subject to the review and
19 approval by the Commission, however, the Board's decisions, resolutions
20 or orders which are not interlocutory, rendered in an administrative case,
21 shall be subject to review only if on appeal.

22 SEC. 5. *Qualifications of the Chairman and Members of the Board.*

23 – The Chairman and members of the Board shall:

24 (a) Be a natural-born citizen and resident of the Philippines;

(b) Be a member in good standing of the accredited professional organization of nurses;

(c) Be a registered nurse and holder of a master's degree in nursing conferred by a college or university duly recognized by the government;

(d) 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; and

(e) Not have been convicted of any offense involving moral turpitude.

SEC. 6. *Requirements Upon Qualification as Member of the Board of Nursing.* – Any person who is appointed as chairman or member of the Board shall automatically resign from any teaching position in any school, college or university offering Bachelor of Science in Nursing and/or review program for the local nursing board examinations or in any office or employment in the government or any subdivision, agency or instrumentality thereof, including government-owned or -controlled corporations or their subsidiaries. He or she shall not have any pecuniary interest in or administrative supervision over any institution offering Bachelor of Science in Nursing including review classes.

SEC. 7. *Term of Office.* – The chairman and members of the Board shall hold office for a term of three (3) years and until their successors shall have qualified: *Provided,* That the chairman and members of the Board may be reappointed for another term not exceeding three (3) years.

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

5 The incumbent chairman and members of the Board shall be allowed
6 to continue to serve for the remainder of their term under Republic Act No.
7 7164 as chairman and members of the Board created under this Act until a
8 new composition of the Board shall have been set up.

9 SEC. 8. *Compensation of Board Members.* – The chairman and
10 members of the Board shall receive compensation and allowances
11 comparable to the compensation and allowances received by the chairman
12 and members of other professional regulatory boards.

13 SEC. 9. *Removal or Suspension of Board Members.* – The
14 President may remove or suspend any member of the Board on the
15 following grounds after due process of law:

16 (a) Continued neglect of duty or incompetence;

17 (b) Commission or toleration of irregularities in the licensure
18 examination; and

19 (c) Unprofessional, immoral or dishonorable conduct.

20 SEC. 10. *Records.* – All records of the Board, including
21 examination papers, minutes of deliberations, records of administrative
22 cases and investigations and examination results shall be kept by the
23 Commission under the direct custody of the person designated by the

chairman of the Commission. No record shall be removed, altered or examined without the prior authorization of the Board.

ARTICLE IV

EXAMINATION AND REGISTRATION

SEC. 11. *Licensure Examination.* – All applicants for license to practice nursing shall be required to pass examinations by the Board.

The licensure examination for the practice of nursing in the Philippines shall be given by the Board not earlier than one (1) month but not later than two (2) months after the closing of the semester prescribed by CHED. The examination shall be held in the City of Manila or in such places as may be decided by the Board subject to the approval of the Commission.

SEC. 12. *Qualifications of Applicants.* – In order to be admitted to the examination for nurses, an applicant must, at the time of filing his or her application, establish to the satisfaction of the Board that:

(a) He or she is 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 country are substantially the same as those prescribed in this Act;

(b) He or she is in good health and is of good moral character; and

(c) He or she is a holder of a bachelor's degree in Nursing from a college or university that complies with the standards of nursing education duly recognized by the proper government agency.

1 SEC. 13. *Scope of Examination.* – The scope of the examination for
2 the practice of nursing in the Philippines shall be determined by the Board.
3 The Board shall take into consideration the objectives of the nursing
4 curriculum, the broad areas of nursing and other related disciplines and
5 competencies in determining the subjects of examinations.

6 SEC. 14. *Rating in the Examination.* – In order to pass the
7 examination, an examinee must obtain a general average rating of at least
8 seventy-five percent (75%).

9 SEC. 15. *Issuance of Certificate of Registration and Professional*
10 *License.* – A certificate of registration as a nurse shall be issued to
11 applicant who passes the examination upon payment of the prescribed fees.
12 Every certificate of registration shall show the full name of the registrant,
13 the serial number, the signature of the chairman of the Commission and of
14 the members of the Board, and the official seal of the Commission.

15 A professional license, duly signed by the chairman of the
16 Commission, bearing the date of registration, license number and the date
17 of issuance and expiration thereof shall likewise be issued to every
18 registrant who has paid the annual registration fees for three (3)
19 consecutive years.

20 SEC. 16. *Fees for Examination and Registration.* – Applicants for
21 licensure examination and for registration shall pay the prescribed fees set
22 by the Commission.

1 SEC. 17. *Automatic Registration of Nurses.* – All nurses whose
2 names appear at the roster of nurses shall be automatically or *ipso facto*
3 registered as nurses under this Act upon its effectivity.

4 SEC. 18. *Registration by Reciprocity.* – Certificate of registration
5 and professional license may be issued without examination to nurses
6 registered under the laws of any foreign state or country: *Provided, That*
7 the requirements for registration or licensing of nurses in said country are
8 substantially the same as those prescribed under this Act: *Provided,*
9 *further, That* the laws of such state or country grant the same privileges to
10 registered nurses of the Philippines on the same basis as the subjects or
11 citizens of such foreign state or country.

12 SEC. 19. *Practice Through Special/Temporary Permit.* –
13 Special/temporary permit may be issued by the Board subject to approval
14 by the Commission and payment of the fees it has prescribed and charged
15 therefore to the following persons:

16 (1) Licensed nurses from foreign countries/states whose services
17 are either for a fee or free if they are internationally well-known specialists
18 or outstanding experts in any branch or specialty of nursing;

19 (2) Licensed nurses from foreign countries/states on medical
20 mission whose services shall be free and limited to indigent patients in a
21 particular hospital, center or clinic; and

22 (3) Licensed nurses from foreign countries/states employed as
23 exchange professors in a branch or specialty of nursing by school/college
24 of nursing.

1 SEC. 20. *Non-Registration and Non-Issuance of Certificates of*
2 *Registration and Professional Licenses or Special/Temporary Permits. –*

3 No person convicted by final judgment of any criminal offense involving
4 moral turpitude or any person guilty of immoral or dishonorable conduct or
5 any person declared by the court as of unsound mind shall be registered and
6 be issued a certificate of registration and a professional license or a
7 special/temporary permit.

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

11 SEC. 21. *Revocation and Suspension of Certificate of Registration*
12 *and Cancellation of Special/Temporary Permit. –* The Board shall have the
13 power to revoke or suspend the certificate of registration or cancel the
14 special/temporary permit of a nurse upon any of the following grounds:

- 15 (a) For any of the causes mentioned in the preceding section;
16 (b) For unprofessional and unethical conduct;
17 (c) For gross incompetence or serious ignorance;
18 (d) For malpractice or negligence in the practice of nursing;
19 (e) For the use of fraud, deceit or false statements in obtaining a
20 certificate of registration or a temporary/special permit;
21 (f) For violation of this Act, the rules and regulations, Code of
22 Ethics for nurses and technical standards for nursing practice or
23 measure/policy of the Board and the Commission or the conditions and
24 limitations for the issuance of the temporary/special permit; or

(g) For practicing his or her profession during and/or beyond the period of his or her suspension from such practice.

Provided, however, That the suspension of the certificate of registration shall not be for a period in excess of four (4) years.

SEC. 22. *Reissuance of Revoked Certificates and Replacement of Lost Certificates.* – The Board may, after the expiration of four (4) years from the date of revocation of a certificate for reasons of equity and justice, and when the cause for revocation has disappeared or has been cured and corrected, upon proper application therefor and the payment of the required fees, issue another copy of the certificate of registration.

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

ARTICLE V

NURSING EDUCATION

SEC. 23. *Nursing Education Program.* – The nursing education program shall provide sound general and professional foundation for the practice of nursing.

The learning experiences shall adhere strictly to specific requirements embodied in the prescribed curriculum for the nursing course in policies and standards of nursing education.

SEC. 24. *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;

1 (b) Have at least three (3) years of clinical practice in a field of
2 specialization;

3 (c) Be a member of good standing in the accredited professional
4 organization of nurses; and

5 (d) Be a holder of a master's degree in nursing or other related
6 fields conferred by a college or university duly recognized by the
7 government of the Republic of the Philippines.

8 In addition to the aforementioned qualifications, the dean of a
9 college of nursing must have at least five (5) years of experience in
10 teaching.

11 ARTICLE VI

12 NURSING PRACTICE

13 SEC. 25. *Scope of Nursing.* – A person shall be deemed to be
14 practicing nursing within the meaning of this Act when he or she singly or
15 in collaboration with another, initiates and performs nursing services to
16 individuals, families and communities in any health care setting. It
17 includes, but not limited to, nursing care during conception, labor, delivery,
18 newborn, infancy, toddler, pre-school, school-age, adolescence, adulthood
19 and older person. It focuses on the promotion of health, prevention of
20 illness, restoration of health and alleviation of suffering or when recovery is
21 not possible, towards a peaceful death, through:

22 (a) Utilization of the nursing process, including assessment, nursing
23 diagnosis, planning, implementation and evaluation of nursing care.
24 Nursing care includes, but not limited to, tradition and innovative

1 approaches, therapeutic use of self-executing nursing techniques and
2 procedures, such as internal examination during labor in the absence of
3 antenatal bleeding, suturing of laceration to control bleeding in the absence
4 of a physician, comfort measures, health teaching and administration of
5 legal and written prescriptions for treatment, therapies, medications and
6 hypodermic, intradermal, intramuscular or intravenous injection, internal
7 examination, delivery and suturing of laceration according to protocol
8 established;

9 (b) Linkages with community resources and coordination with the
10 health team;

11 (c) Motivation of individuals, families and communities, utilization
12 of resources and coordination of services with other members of the health
13 team;

14 (d) Participation in teaching, guidance and supervision of students
15 in nursing education programs, including administration of nursing services
16 in varied settings such as hospitals, homes, communities and the like,
17 undertaking consultation services and engaging in such other activities that
18 require the utilization of knowledge and decision-making skill of a
19 registered nurse; and

20 (e) Undertaking nursing and health manpower development training
21 and research and soliciting finances therefor, in cooperation with the
22 appropriate government or private agency:

23 *Provided, however,* That this provision shall not apply to nursing
24 students who perform nursing functions under the direct supervision of

1 qualified faculty: *Provided, further,* That the above provision shall
2 include, but not limited to, the development of advance nursing practice.

3 SEC. 26. *Qualifications of Nursing Service Administrators.* – A
4 person occupying supervisory or managerial positions requiring knowledge
5 of nursing must:

6 (a) Be a registered nurse in the Philippines;

7 (b) Be a member in good standing of the accredited professional
8 organization of nurses;

9 (c) Have at least two (2) years experience in general nursing service
10 administration; and

11 (d) Possess a degree of Bachelor of Science in Nursing with at least
12 nine (9) units in management and administration courses at the graduate
13 level.

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

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

19 (2) A master's degree major in nursing service administration or its
20 equivalent.

21 *Provided, however,* That for primary hospitals, the minimum
22 academic qualifications and experiences for a chief nurse shall be as
23 specified under subsections (b), (c) and (d) of this section: *Provided,*
24 *further,* That for chief nurses in the public health agencies, he or she must

1 have a master's degree in public health/community health nursing:
2 *Provided, furthermore,* That those occupying such positions before the
3 effectivity of this Act shall be given a period of five (5) years within which
4 to qualify.

5 ARTICLE VII

6 HEALTH HUMAN RESOURCE DEVELOPMENT,

7 PRODUCTION AND UTILIZATION

8 SEC. 27. *Studies for Nursing Manpower Needs, Production,*
9 *Utilization and Development.* – The Board and the accredited professional
10 organization of nurses shall undertake studies and initiate and/or cooperate
11 with appropriate government or private agencies in the conduct of studies
12 for health human resource production, utilization and development.

13 ARTICLE VIII

14 PENAL AND MISCELLANEOUS PROVISIONS

15 SEC. 28. *Prohibitions in the Practice of Nursing.* – A fine of not
16 less than Ten thousand pesos (P10,000.00) nor more than Forty thousand
17 pesos (P40,000.00) or imprisonment of not less than one (1) year nor more
18 than six (6) years, or both, in the discretion of the court, shall be imposed
19 upon:

20 (a) Any person practicing nursing in the Philippines within the
21 meaning of this Act:

22 (1) Without a certificate of registration and professional license or
23 special/temporary permit or without having been declared exempt from
24 examination in accordance with the provision of this Act;

1 (2) Who uses as his or her own, the certificate of registration and/or
2 professional license or special/temporary permit of another;

3 (3) Who uses an expired or invalid professional license, a
4 suspended or revoked certificate of registration, or an expired or cancelled
5 special/temporary permit;

6 (4) Who gives any false evidence to the Board in order to obtain a
7 certificate of registration, a professional license or special/permit;

8 (5) Who falsely poses or advertises as a registered and licensed
9 nurse or uses any other means that tend to convey the impression that he or
10 she is a registered and licensed nurse;

11 (6) Who appends B.S.N./R.N. (Bachelor of Science in
12 Nursing/Registered Nurse) to his or her name without having been
13 conferred said degree or registration; or

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

16 (b) Any person who undertakes in-service educational programs or
17 who conducts review classes for both local and foreign examination
18 without permit/clearance from the Board and the Commission; and

19 (c) Any person violating any provision of this Act and its rules and
20 regulations.

21 SEC. 29. *Enforcement of this Act.* – It shall be the duty of all duly
22 constituted law-enforcement agencies and officers of national, provincial,
23 city or municipality governments to enforce the provisions of this Act and
24 to prosecute any person violating the same.

1 SEC. 30. *Appropriations.* – The chairman of the Professional
2 Regulation Commission shall immediately include in its program and issue
3 such rules and regulations to implement the provisions of this Act, the
4 funding of which shall be included in the annual General Appropriations
5 Act.

6 SEC. 31. *Rules and Regulations.* – The Board shall promulgate
7 such rules and regulations as may be necessary to carry out the provisions
8 of this Act.

9 SEC. 32. *Separability Clause.* – If any part of this Act is declared
10 unconstitutional, the remaining parts not affected thereby shall continue to
11 be valid and operational.

12 SEC. 33. *Repealing Clause.* – Republic Act No. 7164, otherwise
13 known as the Philippine Nursing Act of 1991 is hereby repealed. All other
14 laws, decrees, orders, circulars, issuances, rules and regulations and parts
15 thereof which are inconsistent with this Act are hereby repealed, amended
16 or modified accordingly.

17 SEC. 34. *Effectivity.* – This Act shall take effect fifteen (15) days
18 after its publication in any newspaper of general circulation in the
19 Philippines.

Approved,

SENATE OF THE PHILIPPINES
BILLS AND INDEX DIVISION

LEGISLATIVE HISTORY

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HBN 1084, entitled:

"AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION,
REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE
KNOWN AS 'THE PHILIPPINE NURSING ACT OF 1991' AND FOR OTHER
PURPOSES"

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S T A T U S

[First Regular Session, 12th Congress]
[2002]

- Introduced by Reps. PADILLA, et. al.;
 - May 13 - Sent to the Senate requesting for concurrence;
 - 14 - Read on First Reading and referred to the Committee(s)
on HEALTH AND DEMOGRAPHY; EDUCATION, ARTS AND CULTURE;
and FINANCE;
 - [Second Regular Session, 12th Congress]
 - Aug. 2 - Conducted committee meetings/hearings;
 - 12 - Returned jointly by the Committees on Health and Demography;
Education, Arts and Culture; and Finance per Committee
Report No. 68, recommending that it be substituted by
SBN-2292;
 - 14 - Submitted said Report to the Senate;
- SUBSTITUTED BY SBN-2292.
 - =====
 - Sep. 30 - House of Representatives requested the Senate for a
conference on the disagreeing provisions of HBN-1084
and SBN-2292, and designated Representatives Jala,
Abayon, Nachura, Chatto, Padilla, Dilangalen as its
conferees (See: O.B. dated October 7, 2002);
 - Senate accepted the request of the House of
Representatives for a conference on the disagreeing
provisions of HBN-1084 and SBN-2292, and designated
Senators Flavier, Loren Legarda Leviste, Villar, Jr.,
Angara, and Biazon as its conferees;
 - Oct. 8 - Conference Committee Report submitted to the Senate
recommending that HBN-1084 in consolidation with
SBN-2292 be approved as reconciled;
 - Sponsorship speech of Senator Flavier on the conference
committee report;
 - Conference Committee Report approved by the Senate;
 - 15 - Conference Committee Report approved by the House of
Representatives (See: O.B. Session No. 28, October
22, 2002);
 - 17 - Enrolled copy of consolidated version of SBN-2292 and
HBN-1084 sent to the Senate for the signature of the
Senate Secretary Yabes and Senate President Drilon;
 - 21 - Approved and signed into law by the President of the
Philippines, Her Excellency Gloria Macapagal-Arroyo,
and became
- REPUBLIC ACT NO. 9173
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