Revision as of
10.14.11

HOUSE BILL _____
SENATE BILL _____

Introduced by _____

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:

ARTICLE I

Title

Section 1. *Short Title*. – This Act shall be known as the "Philippine Nursing Practice Reform Act of 2011".

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

ARTICLE II

Declaration of Policy

Sec. 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.

SEC. 3. Section 28, Article VI of the same Act is hereby amended and renumbered as Section 3 under Article III and succeeding Sections are hereby renumbered accordingly, to read as follows:

ARTICLE III

Scope of Nursing Practice

The practice of the profession of nursing includes the performance of functions in nursing service, education, research, leadership and governance.

Sec. 3. *Scope of Nursing Service.* – 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 care to individuals, families, population groups 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. 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, towards a peaceful death. In performing independent and collaborative functions singly or jointly**,** it shall be the duty of the nurse to:

a) Provide nursing care through the utilization of the nursing process. Basic 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 parenteral medications, internal examination during labor in the absence of antenatal bleeding and delivery, and suturing of perineal laceration.

Provide advanced nursing care through specialized and expanded roles within the protocol of advanced nursing practice. Certification by an accredited certification body is required.

b) Collaborate with community resources and coordinate with the members of the health team in any health care setting;

c) Provide health education to empower individuals, families, population groups and communities to maintain, attain, restore

and sustain optimal health and quality of life;

d) Teach, guide and supervise students in nursing education programs including the administration of nursing services in varied settings such as hospitals and clinics; undertake consultation services; engage in such activities that require the utilization of knowledge and decision-making skills of a registered nurse; and

e) Undertake nursing and health human resource development training and research, which shall include, but not limited to, the development of advanced practice nursing;

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 mandated to observe the Code of Ethics for Nurses and uphold the standards of safe and quality nursing practice. The nurse is required to maintain competence by continual professional development as prescribed by the Board of Nursing; *Provided, finally*, That the program and activity for the continual professional development shall be submitted to and approved by the Board.

Nursing services include, but are not limited to, nursing care provided to individual, family or group in any health care setting such as hospitals, public health institutions or communities, clinics and others by a registered nurse. The nurse shall possess the core competencies

prescribed by the Board of Nursing. Nursing service includes the provision of specialized, expanded and advanced practice services as well as nursing management.

(A) *Beginning Registered Nurse*. – Beginning registered nurse provides for safe and quality care to an individual, family or group that is independent or provided as part of a team by a nurse or a group of nurses who will be able to assess, plan, implement and evaluate care provided to clients based on evidence derived from research.

A beginning registered nurse must have the following minimum qualifications:

1) Bachelor of Science in Nursing graduate
2) Registered nurse with current PRC ID
3) Must be physically, mentally and psychologically fit to practice nursing
4) Must not be convicted of any moral turpitude
5) Must be a member of the accredited professional organization (APO)

(B) *Advanced Practice Nurse*. – Advanced practice nurse is a registered nurse who has acquired expert knowledge base, complex decision-making skills and clinical competencies for expanded practice[1] based on evidence derived from research. Advanced practice of nursing requires substantial theoretical knowledge in the specialty area of nursing practice and

1 1 International Council of Nurses, 2002

proficient clinical utilization of this knowledge in implementing independent and interdependent nursing interventions. Specialties can be differentiated in different categories: according to functions, disease/pathology, systems, age, sex, acuity, settings, technology/therapies[2]. This practice includes the acquisition of new knowledge and skills that legitimize role autonomy within specific areas of practice[3]. A master's degree is required for entry level. This includes but is not limited to those who are in education, management and clinical practice.

An advanced practice nurse must have the following minimum qualifications in addition to the requirements of a beginning registered nurse:

1) Relevant master's degree graduate from a recognized university-based program

2) Must be certified based on the Board of Nursing protocol

3) Must be a member of the accredited professional organization (APO) and the corresponding specialty organization.

(C) *Nursing Service Manager*. – Nursing service manager is a registered nurse occupying supervisory or managerial positions requiring leadership and knowledge of nursing management.

2 International Council of Nurses, 1992

3 Hamric, 2002

1) The first level manager is responsible directly with the physical set-up of the unit, structure and other human resources for health.

2) The middle level manager is responsible for the department or section handling more than one (1) or two (2) units, takes care of the financial, logistic, operational functions and others.

3) The top level manager oversees that all nursing units in terms of the financial, human resources for health (not just of the nurses but including the nursing assistants/adjuncts) and others.

A nursing service manager must have the following minimum qualifications in addition to the requirements of a beginning registered nurse:

a) For first level managerial position in nursing, eighteen (18) units of nursing management and clinical subjects in Master of Arts in Nursing/Master of Science in Nursing and at least three (3) years of clinical work experience.

b) For middle level managerial position in nursing, completed all academic requirements in Master of Arts in Nursing/Master of Science in Nursing and at least three (3) years of clinical and two (2) years of management experience.

c) For top level managerial position in nursing, master's degree in nursing or health management-related sciences and at least three (3) years of clinical and three (3) years of management experience.

d) Must be a member of good standing of the accredited professional organization and relevant nursing organizations.

Provided that the above qualifications shall apply to all nurses occupying supervisory or managerial positions across all health facilities such as, but not limited to primary or military health facilities, for top level managerial position of first and second levels, as well as medical centers nationwide.

(D) *Nurse-patient Ratio.* – The government and private hospitals are hereby mandated to maintain the standard nurse-patient ratio set by the department of health:

- In hospitals based on acuity and authorized bed capacity (ABC)
- In community based on need, population and geography
- In occupational or school settings based on relevant legal instruments (AO, EO, RA)

Sec. 4. *Scope of Nursing Education.* – Nursing education is the formal learning and training in the science and art of nursing provided by Higher Education Institutions duly accredited by CHED.

(A) *Basic Nursing Education Program.* – The basic nursing education program is a competency-based curriculum which will provide sound liberal and professional education to implement the necessary safe 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 shall adhere strictly to specific requirements embodied as promulgated by the Commission on Higher Education's policies and standards of nursing education.

(B) *Graduate Nursing Education Program*. – The graduate nursing education program builds on the experiences and skills of a registered 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 philosophical, scientific body of knowledge and practice.

Graduate and post-graduate nursing programs shall be offered only by level three (3) accredited higher education institutions as promulgated by the CHED policies and standards on graduate education.

(C) *Qualifications of Faculty Members.*

1. *Basic Nursing Education.* A member of the faculty in a college of nursing teaching professional courses must:

a.a. Be a registered nurse in the Philippines and a holder of a current valid PRC ID;

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

a.c. Be a member of good standing in the accredited professional organization of nurses;

a.d. Be a holder of a master's degree in nursing, education, or other allied medical and health sciences conferred by a college of university duly recognized by the Government of the Republic of the Philippines.

e. Must undergo teacher training program for nursing education prior to employment

f. Must undergo an accredited clinical skills competency enhancement every two (2) years, as prescribed and accredited by the continuing professional education/development council for nursing.

2. *Graduate Nursing Education.* A member of the faculty teaching graduate professional courses must:

a. Follow prescriptions 1 and 2 of basic nursing education; and

b. Be a holder of a doctoral degree in nursing, education, or other allied health sciences conferred by a college of university duly recognized by the Government of the Republic of the Philippines.

Provided, further, that Higher Education Institutions offering both basic and graduate nursing education programs shall be given three (3) years within which to comply with qualification requirements of faculty members from the effectivity of this Act.

(D) *Qualifications of the Dean*. – The dean of a college of nursing must:

1) Be a registered nurse in the Philippines and a holder of current valid PRC ID;
2) Have at least three (3) years of clinical practice in a field of specialization;
3) Have at least three (3) years of nursing education program management experience or three (3) years of management in any health-related institution;
4) Be a holder of a master's degree in nursing for baccalaureate program and preferably a doctoral degree in nursing for doctoral program conferred by an accredited college or university in the Philippines or its equivalent;
5) Must undergo progressive training for deans according to program prescribed by the Board.

(E) *Faculty-student Ratio.* – The ratio of faculty to student is based on the CHED Memorandum Order (CMO) No. 14 Series of 2009, Policies and Standards for Bachelor of Science in Nursing (BSN) Program.

Sec. 5. *Requirement for inactive nurses returning to practice.* – Nurses are deemed to be inactive when:

1) They are not utilizing nursing competencies as defined in the scope of nursing practice for five (5) consecutive years.

2) There is non-renewal of PRC ID for five (5) years.

3) They do not have proof of five (5) years of continuous nursing practice.

Inactive nurses are required to undergo one (1) month of didactic training and three (3) months of practicum. Only the Board shall accredit hospitals and health care agencies to conduct the said training program.

SEC. 4. Article III of the same Act is hereby amended to read as follows:

ARTICLE IV

Organization of the Board of Nursing

Sec. 6. *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 Sec. 7 of this Act.

Sec. 7. *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 natural born citizen and resident of the Philippines for the last five (5) years;

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

(c) Be a registered nurse in the Philippines, and a holder of a current valid PRC ID;

(d) Be a holder of a master's degree in nursing and preferably with a doctorate degree conferred by an accredited university;

(e) 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 shall be in the Philippines; and

(f) Must be of proven honesty and integrity; *Provided,* That the membership to the Board shall represent the three (3) areas of nursing, namely: nursing education, nursing service and community health nursing.

Sec. 8. *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 teaching position in any school, college, university or institution 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 as well as these employed in the private sector. He/she shall not have any pecuniary interest in or administrative supervision over any institution offering Bachelor of Science in Nursing including review classes.

Sec. 9. *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 re-appointed for another term.

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 his/her duties.

The incumbent Chairperson and Members of the Board shall continue to serve for the remainder of their term under Republic Act No. 9173 until their replacements have been appointed by the President and shall have been duly qualified.

Sec. 10. *Compensation of the Board Members.* -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.

Sec. 11. *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.

Sec. 12. *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 process and systems of the Commission, 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 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 (HEI) offering nursing programs 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 nursing education programs offered by HEI, shall be vested on the Commission on Higher Education**,** only upon the written recommendation of the Board;

e) Conduct hearings and investigations to resolve complaints against active 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 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) Institute a mechanism for career progression in nursing for the continuing professional development of Filipino nurses;

h) Create a council for nursing recognition, accreditation and certification that will assist the Board of Nursing 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 nurses based on accepted criteria.

5) Monitoring and evaluating specialty and advanced nursing practice, education, research and management.

i) Make decisions to influence authorities/agencies on matters that directly affect nurses' welfare;

j) 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 Professional Regulation Commission as promulgated in the General Appropriations Act;

k) Utilize funds designated for nursing development; and

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. 13. *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.

Sec. 14. *Removal or Suspension of Board Members.* -The president may remove or suspend any member of the Board after having been given the opportunity to defend himself/herself in a proper administrative investigation, 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 V

Examination and Registration

Sec. 15. *Philippine Nurse Licensure Examination*. -All applicants for license 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.

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

Sec. 16. *Qualifications for Admission to the Philippine Nurse Licensure Examination*. – In order to be admitted to the examination for nurses, an applicant, from the time of his/her graduation must file immediately his/her application and establish to the satisfaction of the Board that:

a) He/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/she is of good moral character; and

c) He/she is 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 proper government agency.

SEC. 6. Section 14 of the same Act is hereby amended to read as follows:

Sec. 17. *Scope of Examination*. – The scope of the examination for the practice of nursing shall be determined by the Board of Nursing taking into consideration the core competencies required of beginning registered nurses considering the objectives of the nursing curriculum in response to the needs of the society and the demands of industry.

The Philippine Nurse Licensure Examination shall be based on a competency-based test framework.

SEC. 7. Section 15 of the same Act is hereby amended to read as follows:

Sec. 18. *Ratings*. – In order to pass the examination, an examinee must obtain at least seventy-five percent (75%) of tested areas of competencies. An examinee shall be given a chance to repeat the PNLE with a maximum of three (3) examinations.

Sec. 19. *Oath*. -All successful candidates in the examination shall be required to take an oath of profession before the Board or any government official authorized to administer oaths prior to entering upon the nursing practice.

Sec. 20. *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 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 of the Members of the Board. The certificate shall bear the logo of the Board of Nursing and the official seal of the Commission.

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

Sec. 21. *Fees for Examination and Registration*. -Applicants for licensure and for registration shall pay the prescribed fees set by Commission.

Sec. 22. *Automatic Registration of Nurses*. -All nurses whose names appear at the roster of nurses shall *ipso facto* be registered as nurses and as members of the PRC Accredited Professional Organization (APO) upon the effectivity of this Act.

Sec. 23. *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 are substantially the same as those prescribed under this Act; *Provided, further*, That the laws of such state or country grant the same privileges to registered nurses of the Philippines on the same basis as the subjects or citizens of such foreign state or country.

Sec. 24. *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 of Nursing and approved by the Commission:

(a) Licensed nurses from foreign countries/states whose service 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/states who come to aid during declared disasters and calamities.

Provided, however, that the special/temporary permit shall be effective only for the duration of the project, medical mission or engagement contract.

Sec. 25. *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.

Sec. 26. *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 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, Code of Ethics for nurses and technical standards for nursing practice, policies of the Board and the Commission, or the conditions and limitations for the issuance of the temporarily/special permit; or

(g) For practicing his/her profession during his/her suspension from such practice;

Provided, however, That the suspension of the certificate of registration/professional license shall be for a period not to exceed four (4) years.

Sec. 27. *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, for reasons of equity and justice and when the cause for revocation has disappeared or has been cured and corrected, upon proper application therefore 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.

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

ARTICLE VI

Human Resources for Health (HRH) Production, Utilization and Development

Sec. 28. *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.

b) implement HRH development strategies for nurses to attain a highly motivated and productive nursing workforce.

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

Sec. 29. *National nursing career progression program.* – There shall be an institutionalized national nursing career progression program

as prescribed in Article IV, Sec. 12, letter g & h. In the implementation of the national nursing career progression program, the Board shall coordinate with the Department of Health and other relevant government and private agencies.

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.

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

Sec. 30. *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 and private health and health-related institutions shall be in accordance with prevailing salary standards set by law for professionals and shall not be lower than salary grade 15 following the provisions of the salary standardization law. *Provided, further,* that advanced practice nurses in public and private health and health-related institutions shall be entitled to additional remuneration. Government and

non-government financial institutions shall provide mechanism for reimbursements for specialty and advanced practice nursing services based on qualifications prescribed by the Board adhering to the national nursing career progression program. In addition, nursing professional fees may be exacted directly from the clientele and patients in the context of the beginning registered nurses and/or advanced practice nurses.

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

Sec. 31. *Funding for the development of the national nursing career progression program and training.* – The annual financial requirement needed to implement the national nursing career progression program in the training of government and private nurses for continual life-long learning shall be sourced from:

A. Ten percent (10%) of the annual budget of the Department of Health as specified under the annual General Appropriations Act; and

B. Ten percent (10%) of the income of the Philippine Charity Sweepstakes Office and the Philippine Amusement and Games Corporation which 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. Twenty percent (20%) of the Professional Regulation Commission's income from the regulation of the nursing profession.

Sec. 32. *Incentives and Benefits*. – To the extent possible as provided by law, mechanism shall be established by the Board of Nursing to provide incentives and benefits for nurses in both government and private sectors.

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

ARTICLE VII

Penal and Miscellaneous Provisions

Sec. 33. *Prohibitions in the Practice of Nursing.* – 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 the following classification of offenses:

1) Violations against code of ethics and public morals

2) Violations against professional standards

3) Violations against human/patient's rights

4) Other offenses

ARTICLE VIII

Final Provisions

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

Sec. 35. *Appropriations*. -The Chairperson of the Professional Regulation

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.

Sec. 36. *Rules and Regulations*. – Within ninety days (90) after the effectivity of this Act, the Board and the Commission, in coordination with the accredited professional organization and other nursing professional organizations, the Department of Health, the Department of Budget and Management and other concerned government agencies, shall formulate 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 newspaper of general circulation.

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

Sec. 38. *Repealing Clause*. Republic Act No. 9173, otherwise known as the “Philippine Nursing Act of 2002” is hereby amended. All other laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with the amendatory provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 39. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official (2) national newspapers of general circulation.

Approved,