

## **PROFESSIONAL ADJUSTMENT**

### **REPUBLIC ACT NO. 9173**

#### **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:

#### **ARTICLE I TITLE**

Section 1. Title- this act shall be known as the “Philippine Nursing Act of 2002.

#### **ARTICLE II DECLARATION OF POLICY**

Section 2. Declaration of Policy. It is hereby declared the policy of the State to assume responsibility for the protection and improvement of the nursing profession by instituting measures that will result in relevant nursing education, humane working conditions, better career prospects and a dignified existence of our nurses. The State hereby guarantees the delivery of quality basic health services through an adequate nursing personnel system throughout the country.

#### **ARTICLE III ORGANIZATION OF THE BOARD OF NURSING**

Section 3. 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) recommendee, per vacancy, of the Professional Regulation Commission, herein after 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 of this Act.

Section 4. 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.
- (b) Be a number of good standing of the accredited professional organization of nurses.

- (c) Be a registered nurse 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; Provided: That the majority of the Members of the Board shall be holders of a master's degree in nursing; Provided, further, that the Chairperson shall be a holder of a master's degree in nursing;
- (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 offenses involving moral turpitude; provided, that the membership to the Board shall represent the three (3) areas of nursing, namely: nursing education, nursing service and community health nursing.

Section 5. 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 other 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 those 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.

Section 6. Terms 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.

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 7164 until their replacements have been appointed by the President and shall have been duly qualified.

Section 7. Compensation of 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.

Section 8. 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 9. 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
- (b) Issue, suspend or revoke certificates of registration for the practice of nursing;
- (c) Monitor and enforce quality standards of nursing practice in the Philippines and exercise the powers necessary to ensure the maintenance of efficient, ethical and technical, moral and professional standards in the practice of nursing taking into account the health needs of the nation;
- (d) Ensure quality nursing education by examining 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 the Commission of Higher Education upon the written recommendation of the board;
- (e) Conduct hearings and investigations to resolve complaints against nurse practitioners for unethical and unprofessional conduct and violations of this Act, or its rules and regulations and in connection there with, issue subpoena ad testificandum and subpoena duces tecum to ensure 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 in coordination and consultation with the accredited professional organization of nurses with one (1) year from the Effectivity of this Act;
- (g) Recognize nursing specially organizations in coordination with the accredited professional organization; and a
- (h) 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.

Section 10. 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 the conditions affecting the practice of the nursing profession.

Section 11. 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 or irregularities in the licensure examination; and
- (c) Unprofessional, immoral or dishonorable conduct.

#### **ARTICLE IV EXAMINATION AND REGISTRATION**

Section 12. 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 Republic Act No. 8981, otherwise known as the “PRC Modernization Act of 2000.”

Section 13. Qualifications for Admission to Licensure Examination – In order to be admitted to the examination for nurses, an applicant must, at the time of filling his / her application, establish to the satisfaction of the Board that:

- (a) He / she is a citizenship of the Philippines, or a citizen of a country which permits Filipino nurses to practice within its territorial limits on the same basis as the 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’s Degree in Nursing from a college or university that complies with the standards of nursing education duly recognized by the proper government agency.

Section 14. Scope of Examination – The scope of the examination for the practice of nursing in the Philippines shall be determined by the Board. The Board shall take into consideration the objectives of the nursing curriculum, the board areas of nursing, and other related disciplines and competencies in determining the subject of examinations.

Section 15. Ratings – In order to pass the examination, an examinee must obtain the general average 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 subjects or subjects where he / she is rated below sixty percent (60%). In order to pass the succeeding examination an examinee must obtained a rating of at least seventy-five percent (75%) in the subject or subjects repeated.

Section 16. Oath – All successful candidates in the examination shall 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.

Section 17. 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 registrant the serial number, the signature of the Chairperson of the Commission and of the Members of the Board, 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 every registrant upon payment of the required fees.

Section 18. Fees for Examination and Registration – Applicants for licensure and for registration shall pay the prescribed fees set by Commission.

Section 19. Automatic Registration of Nurse – All nurses whose names appear at the roster of nurses shall be automatically or ipso facto registered as nurses under this Act upon its effectivity.

Section 20. 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 a 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 subject or citizens of such foreign state or country. That the laws of such state or county 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.

Section 21. Practice Through Special/Temporary Permit. – A special/temporary permit may be issued by the Board to the following persons subject to the approval of the Commission and upon payment of the prescribed fees:

- (a) License nurses from foreign countries/states whose service are either for a fee or free if they are internationally well-known specialist 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; and
- (c) Licensed nurses from foreign countries/states employed by schools/colleges of nursing as exchange professors in a branch or specialty of nursing;

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

Section 22. Non registration and non issuance of Certificates of Registration/Professional License or Special/Temporary Permit – No person convicted by the 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 each action, which shall be incorporated in the records of the Board.

Section 23. 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 cancelled the special/temporary permit of a nurses 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; 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 temporary/special permit; or
- (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 temporary 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.

Section 24. Re-issuance of Revoked Certificates and Replacement of Lost Certificate – 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 of 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 certificates that has been lost, destroyed or mutilated may be issued, subject to the rules of the Board.

## **ARTICLE V NURSING EDUCATION**

Section 25. 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 as promulgated by the Commission on Higher Education's policies and standards of nursing education.

Section 26. Requirement of Inactive Nurses Returning to Practice – Nurses who have not actively practiced the profession for five (5) consecutive years are required to undergo on (1) month of didactic training and three (3) months of practicum. The Board shall accredit hospitals to conduct the said training program.

Section 27. 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;
- (b) Have at least one (1) year of clinical practice in a field of specialization;
- (c) Be a member of good standing in the accredited professional organization of nurses; and
- (d) Be a holder of a master's degree in nursing education, or other allied medical and health sciences conferred by a college or university duly recognized by the Government of the Republic of the Philippines.

In addition to the aforementioned qualifications, the dean of a college must have a master's degree in nursing. He/she must have at least five (5) years of experience in nursing.

## **ARTICLE VI NURSING PRACTICE**

Section 28. 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, toddler, pre-school, 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 curative, preventive and rehabilitative aspects of care,

restoration of health, alleviation of suffering, and when recovery is not possible, towards peaceful death. It shall be the duty of the nurse to:

- (a) Provide nursing care through the utilization of the nursing process. Nursing care included, 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. In case of suturing of perineal laceration, special training shall be provided according to protocol establish;
- (b) Establish linkages with community resources and coordination with the health team;
- (c) Provide health education to individuals, families and communities;
- (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 advance nursing practice;

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, that nurse is duty – bound to observe the Code of ethics for nurses and uphold the standards of safe nursing practice. The nurse is required to maintain competence by continual learning through continuing professional education to be provided by the accredited professional organization or any recognized professional nursing organization. Provided, finally, the program and activity for he continuing professional education shall be submitted to and approved by the Board.

Section 29. Qualifications of Nursing Service Administrator – 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;
- (c) Possess a degree of Bachelor of Science in Nursing, with at least nine (9) units in management in administration courses at the graduate level, and
- (d) Be a member of good standing of the accredited professional organization of nurses; Provided, That a person occupying the position of the 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 master's degree major in nursing;

Provided, further, That for primary hospitals, the maximum academic qualifications and experience for a chief nurse shall be as specified in subsection (a), (a), and (c) of this section; Provided, furthermore, That for chief nurses in the public health agencies, those who have master's degree in public health/community 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 master's degree in nursing and the completion of the General Staff Course (GSC): Provided, finally, That those occupying such positions before the Effectivity of this Act, shall be given a period of five (5) years within which to qualify.

## **ARTICLE VII HEALTH HUMAN RESOURCE PRODUCTION, UTILIZATION AND DEVELOPMENT**

Section 30. Studies for Nursing manpower Needs, production, Utilization and development – The Board, in coordination with the accredited professional organization and appropriated government or private agencies shall initiate, undertake and conduct studies on health human resource production, utilization and development.

Section 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.

The beneficiaries of this program are obliged to serve in any Philippine hospital for a period of the least two (2) years of continuous service.

Section 32. Salary – In order to enhance the general welfare, committed 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, adjustments to their salaries shall be in accordance with Section 10 of the said law.

Section 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 hospitals shall be chargeable against the income of the Philippine Charity Sweepstakes office and the Philippine amusement and Gaming 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.

Section 34. Incentives and Benefits – The Board of Nursing, in coordination with the Department of Health and other concerned government agencies, association of hospitals and the accredited professional organization shall establish an incentive and benefit system in the form of free hospital care for nurses and their dependents, scholarship grants and other non-cash benefits. The government and private hospitals are hereby mandated to maintain the nurse patient ratio set by the Department of Health.

## **ARTICLE VIII PENAL AND MISCELLANEOUS PROVISIONS**

Section 35. Prohibitions in the Practice of Nursing – A fine of not less than Fifty thousand pesos (P50,000.00) nor more than One hundred thousand pesos (P1000,000.00) 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:

- (a) 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 his/her own certificates or registration/professional license and professional identification card or special temporary permit of another; or
  - (3) Who uses an invalid certificates 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 permit; or
  - (5) Who falsely poses or advertises as a registered and licensed nurse or uses any other means that tend to convey the impression that he/she is a registered and licensed nurse; or
  - (6) Who appends BSN/RN (Bachelor of Science in Nursing/Registered Nurse) or any similar appendage to

- his/her name without having been conferred said degree or registration; or
- (7) Who, as a registered and licensed nurse, abets or assists the illegal practice of a person who is not lawfully qualified to practice nursing.
  - (b) Any person or the chief executive officer of a juridical entity who undertakes in-service educational programs or who conducts review classes for both local and foreign examination without permit/clearance from the Board and the Commission; or
  - (c) 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 section 32 and 34; or
  - (d) Any person or the chief executive officer of a juridical entity violating any provision of this Act and its rules and regulations.

## **ARTICLE IX FINAL PROVISIONS**

Section 36. 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 government 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.

Section 37. Appropriations – The Chairpersons to 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.

Section 38. 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, the Department of health, the Department of Budget and Management and other concerned government agencies, shall formulate such rules and regulations shall be published in the Official Gazette or in any newspaper of general circulation.

Section 39. 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 40. Repealing Clause – Republic Act No. 7164, otherwise known as the “Philippine Nursing Act of 1991” is hereby repealed. All other laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 41. Effectivity – This Act shall take effect fifteen (15) days upon its publication in the Official Gazette or in any two (2) newspaper of general circulation in the Philippines.

Approved

FRANKLIN M. DRILON  
President of the Senate  
Representatives

JOSE DE VENECIA R.  
Speaker of the House of

This Act, which originated in the House of Representatives, was finally passed the House of Representatives and the Senate on October 15, 2002 and October 8, 2002 respectively.

OSCAR G. YABES  
Secretary of the Senate  
NAZARENO

ROBERTO P.  
Secretary General  
House of representatives

Approved: October 21, 2002

GLORIA MACAPAGAL-ARROYO  
President of the Philippines

November 14, 2002