

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



Senate
Office of the Secretary

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SENATE
S. B. No. 1264

RECEIVED BY: *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Nurses play an important role in providing quality health care services to all, particularly to the underprivileged sick, elderly, disabled, women, and children, at affordable cost. However, the full potential of Filipino nurses as stable health human resource and partner of the government in providing quality and affordable health care services is undermined by unemployment, underemployment and poor working conditions.

In a joint statement issued in 2011, the Department of Labor and Employment (DOLE), the Professional Regulation Commission (PRC) and the Board of Nursing (BON) identified the continuing issues affecting unemployed nurses, specifically: (1) Serving as Volunteers; (2) Submitting to "On-the-job Training Program"; or concerns conveyed to the public in general terms as: volunteerism among unemployed nurses who are charged fees by selected healthcare institutions. Moreover, the PRC-BON stated that in December 2009, there are a total of 219, 617 unemployed/underemployed Filipino nurses all over the country.¹

ANG NARS Party-List Representative Leah Primitiva G. Samaco-Paquiz has filed House Bill No. 00151. Representative Samaco-Paquiz expressed that the existing oxymoron situation where there are thousands of unemployed nurses yet there is inadequate supply of nurses in health facilities as shown by high nurse to patient ratio, is a living testimony to the deficient, if not absent, health care services to Filipinos. From 1998 to 2012, the number of unemployed nurses have ballooned to 300,000 hence, made nurses vulnerable to exploitation and unfair labor practices such as job orders, contractualization, "false volunteerism" or doing "volunteer" work in hospitals without pay and "false trainings" or paying for "training fees" just to be able to work; practices which are not only abusive and unjust but also illegal.²

In support of the initiative of Representative Samaco-Paquiz to address the major challenges faced by Filipino nurses, this representation is filing the same bill with the objective of enacting a measure responsive to the needs and concerns of Filipino nurses, and of the Filipino people to quality and affordable health care services.

¹ Department of Labor and Employment, Professional Regulation Commission and Board of Nursing. Position Statements of the "DOLE-PRC-BON on Nurse Volunteerism". Retrieved from http://nursing.bonphilippines.org/index.php?option=com_content&view=article&id=50:po...

² Explanatory Note. House Bill No. 00151. Introduced by ANG NARS Party-List Representative Leah Primitiva G. Samaco-Paquiz.

This proposed bill seeks to institute measures towards relevant nursing practice, just and human conditions of work, and promotion of professional growth in accordance with the State policy to uphold the dignity of nurses and assume responsibility for the protection, respect, and improvement of the nursing profession.

In view of the foregoing, the timely passage of this bill is earnestly recommended.



MARIA LOURDES NANCY S. BINAY
Senator



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SENATE
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Introduced by Senator Maria Lourdes Nancy S. Binay

1 AN ACT PROVIDING FOR A COMPREHENSIVE NURSING LAW
2 TOWARDS QUALITY HEALTH CARE SYSTEM, REPEALING FOR THIS PURPOSE
3 REPUBLIC ACT NO. 9173 OTHERWISE KNOWN AS THE PHILIPPINE NURSING
4 ACT OF 2002
5

6 *Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in*
7 *Congress assembled:*

8
9 **ARTICLE I**
10 **General Provision**

11
12 **Section 1. Title.** This Act shall be known as the "Comprehensive Nursing Law of 2013."
13

14 **Section 2. Declaration of Policy.** It is hereby declared the policy of the State to uphold the
15 dignity of nurses and assume responsibility for the protection, respect, and improvement of
16 the nursing profession by instituting measures towards relevant nursing practice, just and
17 humane conditions of work, and promotion of professional growth.
18

19 The State guarantees the delivery of accessible, affordable, and available quality health care
20 to all the people through implementation of adequate and competent Nursing Personnel
21 System (NPS) throughout the country.
22

23 **Section 3. Definition of Terms.** The following terms when used in this act shall mean:
24

- 25 (a) "Advanced Practice Nurse" refers to a nurse who acquired substantial theoretical
26 knowledge and decision making skills in the specialty area of nursing practice and
27 proficient clinical utilization of this knowledge in implementing independent and inter-
28 dependent nursing interventions. Specialties can be differentiated in categories,
29 according to function, disease/pathology, systems, age, sex, acuity, setting and
30 technology/therapies.
31
32 (b) "Board" refers to the Professional Regulatory Board of Nursing as defined by this Act.
33
34 (c) "BSN" is the Bachelor of Science in Nursing. It refers to the undergraduate nursing
35 education program.
36

- 1 (d) "CHED" refers to the Commission on Higher Education which promulgates policies
2 and standards and curriculum of BSN.
3
- 4 (e) "Commission" refers to the Professional Regulation Commission.
5
- 6 (f) "Health Facility" refers to an institution, establishment, clinic that offers health services
7 and nursing care, such as hospitals, barangay health centers and clinics.
8
- 9 (g) "NLE" refers to the Philippine Nurse Licensure Exams.
10
- 11 (h) "Nurse" refers to a person who passed the Nurse Licensure Exams (NLE) and whose
12 license has not been revoked by law. Thus, it pertains to a registered nurse (RN).
13
- 14 (i) "Nursing" is the science and art of caring.
15
- 16 (j) "Nursing care" is a therapeutic use of self which includes, but is not limited to: the
17 provision of physiological, psychological, spiritual, social and emotional care; essential
18 health care, comfort measures, health teachings; executing health care techniques and
19 procedures; and, traditional and innovative approaches to individuals, families and
20 communities from conception to death.
21
- 22 (k) "Nursing Personnel System" refers to a system of human resource management in an
23 institution that classifies the structure, organization, and coordination within the
24 workforce both in private and public health care facilities and nursing educational
25 institutions to advance the welfare and protect the rights of the nurses and to ensure the
26 employer-employee relationship, security of tenure, just compensation, humane
27 conditions of work, career/professional growth.
28
- 29 (l) "Precarious Work" is the term used to describe non-standard employment, such as
30 underpayment, no payment, no security of tenure, no employer-employee relationship,
31 no benefits, unpredictable working conditions; and deviation from the standard
32 employment relationships, such as contractual, false volunteerism, job orders thru
33 agencies, part time, self-employment, fixed term work, temporary, on call, home
34 workers, telecommuting, few benefits, lack of collective bargaining representation, and
35 no job security.
36
37

38 **ARTICLE II**

39 **Board of Nursing**

40
41 **Section 4.** *Creation and Composition of the Board.* There shall be created a Professional
42 Regulatory Board of Nursing (Board) composed of a Chairperson and six (6) members. They
43 shall be appointed by the President of the Republic of the Philippines from among those
44 recommended by the Commission and ranked from a list of three (3) nominees, per vacancy,
45 of the accredited professional organization of nurses in the Philippines and who possess the
46 qualifications prescribed herein.
47

48 **Section 5.** *Qualifications of the Chairperson and Members of the Board.* The Chairperson
49 and members of the Board shall possess the following qualifications:
50

- 1 (a) Must be a natural born citizen and resident of the Philippines for the past five (5)
2 consecutive years;
3
4 (b) Must be a member of good standing of the accredited professional organization of
5 nurses;
6
7 (c) Must be a Nurse in the Philippines and a holder of a valid certificate of registration and
8 a current professional identification card;
9
10 (d) Must be a holder of a master's degree in nursing and preferably with a doctorate degree
11 conferred by a college or university duly recognized by the government;
12
13 (e) Must have at least ten (10) years of continuous practice of the nursing profession prior
14 to appointment; and
15
16 (f) Must be of good moral character and have not been convicted of any offense involving
17 moral turpitude.

18
19 The membership of the Board shall comprise the scope of nursing practice: nursing
20 education, nursing service, nursing research, and nursing leadership and governance.
21

22 **Section 6. Prohibition as Member of the Board of Nursing.** A member of the Board shall not
23 hold a position or have pecuniary interest in any educational institution offering BSN, any
24 review or training center for NLE, training hospitals and health facilities with nursing
25 affiliates.
26

27 **Section 7. Term of Office.** The chairperson and members of the Board shall hold office for a
28 term of three (3) years and until their successors shall have been appointed and qualified. No
29 member of the Board shall serve for more than two (2) terms or a maximum of six (6) years.
30

31 **Section 8. Vacancy.** Any vacancy in the Board shall be filled in the manner prescribed herein
32 and only for the unexpired portion of the term. Each member of the Board shall take the
33 proper oath of office prior to the performance of duties.
34

35 **Section 9. Compensation.** The chairperson and members of the Board shall receive
36 compensation and allowances comparable to the compensation and allowances received by
37 the chairperson and members of other regulatory boards.
38

39 **Section 10. Administrative Supervision of the Board, Custodian of its Records, Secretariat
40 and Support Services.** The Board shall be under the administrative supervision of the
41 Commission. All records of the Board, including applications for examinations,
42 administrative and other investigative cases conducted by the Board shall be under the
43 custody of the Commission. The Commission shall designate the Secretary of the Board and
44 shall provide the secretariat and other support services to implement the provisions of this
45 Act.
46

47 **Section 11. Powers and Duties of the Board.** The Board shall supervise and regulate the
48 practice of the nursing profession and shall have the following powers, duties and functions:
49

- 1 (a) Ensure the proper conduct of the NLE, which includes the application, test
2 development, examination, correction and release of results. The use of appropriate
3 technology/modalities during the conduct of the NLE is encouraged to enhance
4 efficiency while upholding integrity;
5
- 6 (b) Issue, suspend, revoke or reissue certificates of registration for the practice of nursing
7 and ensure the widest publication through electronic and written media;
8
- 9 (c) Enforce and monitor safe and quality standards of nursing practice and exercise the
10 powers necessary to ensure the maintenance of efficient, ethico-moral, technical and
11 professional standards in the practice of nursing towards the optimal health and
12 common good of the nation;
13
- 14 (d) Ensure quality nursing education by examining and monitoring higher educational
15 institutions offering and seeking permission to open nursing education programs and to
16 ensure that standards of nursing education are properly complied with and maintained at
17 all times. *Provided* that the authority to open and close nursing education programs
18 offered by higher educational institutions, shall be vested on CHED;
19
- 20 (e) Conduct hearings and investigations to resolve complaints against actively practicing
21 nurses for unethical and unprofessional conduct and violations of this Act, or its rules
22 and regulations and in connection therewith, issue *subpoena duces tecum* and *subpoena*
23 *ad testificandum* to require the appearance of respondents and witnesses and the
24 production of documents and penalize with contempt persons obstructing, impeding
25 and/or otherwise interfering with the conduct of such proceedings, upon application
26 with the Board of Nursing or Commission;
27
- 28 (f) Promulgate a Code of Ethics that is responsive to the needs of the nursing profession in
29 coordination with the Accredited Professional Organization (APO) of nurses;
30
- 31 (g) Establish and operationalize, via necessary infrastructures, a National Nursing Career
32 Progression Program to ensure continuing professional development of Filipino nurses,
33 create the Council for Nursing Advancement, Recognition, and Specialization as well as
34 the various Nursing Specialty Boards to assist the Board of Nursing for this purpose;
35
- 36 (h) Make decisions on matters directly affecting nurses' welfare;
37
- 38 (i) Ensure performance of mandated duties and functions with the provision of operational
39 resources including human, financial and spatial resources to ensure the confidentiality
40 and sanctity of their functions as provided through the annual budget of the
41 Commission as promulgated in the General Appropriations Act;
42
- 43 (j) Source and utilize funds earmarked for national nursing development; and
44
- 45 (k) Prescribe, adopt, issue and promulgate guidelines, regulations, measures and decisions
46 as may be necessary for the improvement of nursing practice, advancement of the
47 profession, and for the proper and full enforcement of this Act, subject to review and
48 approval by the Commission.
49
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1 **Section 12. Annual Report.** The Board shall, at the close of its calendar year, submit an
2 annual report to the President of the Philippines through the Commission giving a detailed
3 account of its proceedings and the accomplishments during the year and making
4 recommendations for the adoption of measures that will upgrade and improve the conditions
5 affecting the practice of the nursing profession.

6
7 **Section 13. Removal or Suspension of Board Members.** The President may remove or
8 suspend any member of the Board, after due process, on the following grounds:

- 9
10 (a) Continued neglect of duty or incompetence;
11 (b) Commission or toleration of irregularities in the NLE; and
12 (c) Unprofessional, immoral or dishonorable conduct.

13
14
15 **Article III**
16 **Examination and Registration**

17
18 **Section 14. Philippine Nurse Licensure Examination (NLE).** All nursing graduates must take
19 and pass the NLE as one of the requirements to obtain certificate of registration/professional
20 license. The NLE shall be administered by the Board in such place and date as designated by
21 the Commission: *Provided* that no nursing educational institution shall withhold any
22 requirement and/or documents of any nursing graduate for the purpose of preventing them to
23 apply for the NLE. All nursing educational institution must ensure that their nursing
24 graduates will take the nearest scheduled NLE after graduation. Any delay in taking the NLE
25 must be accordingly justified by the president, registrar or dean of the educational institution
26 through a public instrument.

27
28 **Section 15. Scope of Examination.** The scope of the NLE shall be determined by the Board
29 by taking into consideration the nursing curriculum, the broad scope and areas of nursing
30 practice, core competencies, and other disciplines in determining the subjects of examination.

31
32 **Section 16. Qualifications for Admission to the NLE.** In order to be admitted to the NLE, an
33 applicant must be:

- 34
35 (a) A holder of a Bachelor of Science in Nursing degree from an accredited educational
36 institution that complies with the standards of nursing education;
37
38 (b) Of good moral character and have not been convicted, by final judgment, of any
39 criminal offense involving moral turpitude or guilty of immoral or dishonorable
40 conduct, or any person declared by the court to be of unsound mind; and
41
42 (c) A citizen of the Philippines, or a citizen or subject of a country which permits Filipino
43 nurses to practice within its territorial limits on the same basis as the subject or citizen
44 of such country; *Provided* that the requirements for the registration or licensing of
45 nurses in said countries are substantially the same as those prescribed in this Act.

46
47 **Section 17. Fees for Examination and Registration.** Applicants for licensure and for
48 registration shall pay the prescribed fees set by the Commission.

49

1 **Section 18. Ratings.** In order to pass the NLE, an examinee must obtain at least seventy-five
2 percent (75%) of tested areas of all competencies. An examinee who has failed the NLE
3 three (3) times shall be barred from taking any further NLE. The NLE results shall be
4 released not later than forty-five (45) days from the date of NLE.
5

6 **Section 19. Issuance of Certificate of Registration/Professional License and Professional**
7 **Identification Card.** A certificate of registration/professional license shall be issued to all
8 successful examinees, subject to Section 14 of this Article. A certificate of
9 registration/professional license shall show the full name of the registrant, the signature of the
10 Chairperson of the Commission, and the members of the Board. The certificate shall bear the
11 logo of the Board and the official seal of the Commission.
12

13 The Commission shall likewise issue the professional identification card. The card must bear
14 the following: full name of the registrant nurse, the serial number, the date of issuance and
15 expiration, the signature of the Chairperson of the Commission, and date of registration.
16

17 **Section 20. Oath of Profession.** All successful examinees shall be required to take an oath of
18 profession before the Board. The Board shall schedule oath-taking ceremonies in each major
19 region not later than forty-five (45) days from the date of release of the NLE results. During
20 the oath taking the professional identification cards shall be released, together with the
21 certificate of registration/professional license, to all the registrant nurses.
22

23 **Section 21. Roster of Nurses.** The Commission shall maintain a roster of nurses pursuant to
24 the PRC Automated System. It shall serve as the centralized database for nursing
25 professionals for purposes of documentation, statistics, research, and development.
26

27 **Section 22. Registration by Reciprocity.** A certificate of registration/professional license may
28 be issued without examination to a nurse registered under the laws of a foreign state or
29 country: *Provided* that the requirements for registration or licensing of nurse in said country
30 is substantially the same as those prescribed under this Act: *Provide further*, that the laws of
31 such country grants the same privileges to Professional Registered Nurse of the Philippines
32 on the same basis as the subjects or citizens of such foreign state or country.
33

34 **Section 23. Practice Through Special/Temporary Permit.** A special/temporary permit may
35 be issued to the following persons based on qualification, and professional and moral
36 standards as determined by the Board and approved by the Commission, to wit:
37

- 38 (a) Licensed nurses from foreign countries/states whose services are either for a fee or free
39 if they are internationally well-known specialists or outstanding experts in any branch
40 or specialty of nursing;
41
- 42 (b) Licensed nurses from foreign countries/states on medical mission whose services shall
43 be free in a particular hospital, center or clinic;
44
- 45 (c) Licensed nurses from foreign countries/states who are engaged by colleges/universities
46 offering the nursing program as exchange professors in a branch or specialty of nursing;
47 and
48
- 49 (d) Licensed nurses from foreign countries/state who come to aid during declared disasters
50 and calamities.

1 The special/temporary permit shall be effective only for the duration of the project, medical
2 mission or engagement contract.

3
4 **Section 24. *Revocation and Suspension of Certificate of Registration/Professional License***
5 ***and Cancellation of Special/Temporary Permit.*** The Board shall have the power to revoke or
6 suspend the certificate of registration/professional license or cancel the special/temporary
7 permit of a nurse upon any of the following grounds:

- 8
9 (a) Conviction, by final judgment, of any criminal offense involving moral turpitude or
10 guilty of immoral or dishonorable conduct or any person declared by the court to be of
11 unsound mind;
12
13 (b) Violation of this Act, its policies, rules and regulations, and of the Philippine Code of
14 Ethics for Nurses;
15
16 (c) Gross negligence, grave misconduct, ignorance, and incompetence in the nursing
17 practice;
18
19 (d) Fraud, concealment, misrepresentation, or false statements in obtaining a certificate of
20 registration/professional license or a temporary/special permit;
21
22 (e) Practice of the nursing profession pending suspension of license.

23
24 **Section 25. *Reinstatement and Re-Issuance of Revoked Certificates of Registration/***
25 ***Professional License.*** The Board may, after the expiration of a maximum of four (4) years
26 from the date of revocation of a certificate of registration/ professional license, for reasons of
27 equity and justice, and when the cause for revocation has disappeared or has been cured and
28 corrected, upon proper application thereof and the payment of the required fees, reinstate and
29 re-issue the certificate of registration/professional license.

30
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32 **ARTICLE IV**
33 **Nursing Practice**

34
35 **Section 26. *Nursing Practice.*** The administration of nursing care through the utilization of
36 the nursing process: assessment, nursing diagnosis, planning, implementation, and evaluation.
37 Nursing practice encompasses various stages of development towards the promotion of
38 health, prevention of illness, health care techniques and procedures, restoration of health, and
39 alleviation of suffering, may it be performed independently or collaboratively.

40
41 **Section 27. *Scope of Nursing Practice.*** The following are the scope of nursing practice: (1)
42 nursing education; (2) nursing service; (3) nursing research; and (4) nursing leadership and
43 governance. A nurse shall be deemed to be practicing nursing when he or she, for a fee,
44 salary or compensation, singly or collaboratively, performs nursing care to individuals,
45 families and communities.

46
47 **Section 28. *Core Competencies.*** In order to preserve and uphold the standards of nursing
48 practice, a nurse shall possess and exercise the following core competencies at all times: safe
49 and quality nursing care, management of resources and environment, health education, legal

1 responsibility, ethico-moral responsibility, personal and professional development, quality
2 improvement, research, records management, communication, collaboration and teamwork.

3
4 **Section 29. *Duties and Responsibilities of a Nurse.*** The duties and responsibilities of a nurse
5 are, but not limited to: promotion of health, prevention of illness, restoration of health,
6 rehabilitative aspects of care, alleviation of suffering, and when recovery is not possible,
7 towards a peaceful death. Curative health may be facilitated by a nurse provided that he or
8 she is working in collaboration with other health care providers.

9
10
11 **ARTICLE V**
12 **Nursing Education**
13

14 **Section 30. *Nursing Education.*** The formal learning, training, and advancement in the
15 science and art of nursing.

16
17 **Section 31. *Undergraduate Nursing Education Program.*** The Bachelor of Science in Nursing
18 (BSN) that falls within the power and authority of the CHED. The National Nursing
19 Admission Test (NNAT) is a pre-qualifying condition in the admission to the BSN program
20 and shall require a passing percentage of seventy-five percent (75%).

21
22 BSN is a four (4)-year course that includes theoretical and related learning experiences both
23 in classroom and clinical set-up that teaches, guides and supervises students in nursing
24 education programs. It includes nursing services administration in diverse settings, such as
25 hospitals, clinics, and other health facilities; undertakes consultation services; and engages in
26 such activities that require the utilization of knowledge and decision-making skills of a
27 registered nurse.

28
29 **Section 32. *Graduate Nursing Education Program.*** Is the post baccalaureate nursing
30 program, which builds on the experiences and skills of a nurse towards mastery, expertise,
31 and leadership in practice, research, and education. It includes a master's degree and
32 doctorate degree in nursing founded on the philosophies, and the scientific body of
33 knowledge and practice.

34
35 Graduate Nursing Education Programs and post-graduate courses shall be offered only in
36 colleges with Level III Accredited Baccalaureate Nursing Programs according to the CHED
37 Policies, Standards and Guidelines (PSG) on Graduate Education.

38
39 **Section 33. *Continuing Professional Education (CPE).*** A nurse has a professional
40 responsibility upon himself/herself to maintain competence, exude leadership, and promote
41 excellence by continual learning through CPE conducted by an accredited organization
42 approved by the appropriate agency of the government.

43
44 In order to undertake nursing and healthcare human resource development, training and
45 research to the advancement of the nurses' professional growth, such as updating skills
46 enhancement, developing of advanced nursing practice shall be ensured.

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ARTICLE VI
Nursing Service

Section 34. *Nursing Service.* Is the promotion of health and prevention of illness which includes, but not limited to, nursing care provided by a nurse, either independently or collaboratively, to any individual, family or group in any health care setting such as hospitals, public health institutions or communities, and clinics.

Section 35. *Public Health Nursing.* The public health nursing shall include the following functions: (1) Provide health education to individuals, families and communities; (2) Ensure that messages on healthy lifestyle are incorporated in his or her health teachings; (3) Seek opportunities to promote a healthy lifestyle within his or her influence; (4) Accept that he or she is a role model for a healthy lifestyle; (5) Enable people to increase control over their health and to improve health; (6) Build healthy public policy; (7) Create supportive environment; (8) Strengthen community action for health; and (9) Establish linkages with community resources and coordination of services with the health team.

Section 36. *Nursing Procedures.* Nursing procedures shall include, but not limited to, the following: (1) Internal examination during labor in the absence of antenatal bleeding, attending to normal delivery and suturing of perineal laceration, and newborn care; (2) Administration of legal and written prescriptions for treatment, therapies, medications; (3) Hypodermic, intramuscular, or intravenous injections; and, (4) Wound care, ostomy care, suturing of lacerated wounds and removal of suture.

Section 37. *Restoration of Health in Collaboration with Other Members of the Health Care Team.* The restoration of health in collaboration with other members of the health care team shall include the following:

- (a) Cardiac care;
- (b) Airway management;
- (c) Blood product administration;
- (d) Cast care;
- (e) Chemotherapy management;
- (f) Chest physiotherapy;
- (g) Emergency care and triage;
- (h) Enteral tube feeding;
- (i) Hemodialysis;
- (j) Peritoneal dialysis therapy;
- (k) Hyperglycemia and hypoglycemia management;
- (l) Intracranial pressure monitoring;
- (m) Intravenous insertion and therapy;
- (n) Invasive hemodynamic monitoring;
- (o) Mechanical ventilation management;
- (p) Medication administration;
- (q) Neurologic monitoring;
- (r) Oxygen therapy, post-mortem care;
- (s) Total parenteral nutrition; and
- (t) Venous access device maintenance.

1 **Section 38.** *Advanced Practice Nursing.* Is a specialized and expanded nursing care. This
2 practice includes the acquisition of new knowledge and skills that legitimize role autonomy
3 within specific areas of practice.
4
5

6 **ARTICLE VII**

7 **Nursing Research, Policy Development, and Planning**

8

9 **Section 39.** *Nursing Research and Policy Development.* Nursing research and policy
10 development shall involve study and pursuit of nurse related issues encompassing the
11 following areas:
12

- 13 a. Professional nursing practice (e.g., advancing nursing knowledge to ensure quality
14 nursing care for all and advocacy for sound health policies globally).
 - 15 b. Nursing regulation (e.g., credentialing, code of ethics, standards and competencies).
 - 16 c. Socio-economic welfare for nurses (e.g., occupational health and safety, human
17 resources planning and policy, remuneration, career development).
- 18
19
20

21 **Section 40.** *Studies for Nursing Manpower Needs, Production, Utilization and Development.*
22 The Board, in coordination with the accredited professional organization and appropriate
23 government or private agencies, shall initiate, undertake and conduct studies on healthcare
24 human resources production, utilization and development.
25

26 **Section 41.** *Comprehensive Nursing Specialty Program.* Within ninety (90) days from the
27 effectivity of this Act, the Board, in coordination with the accredited professional
28 organization, recognized specialty organizations, and the Department of Health, is hereby
29 mandated to formulate and develop a comprehensive nursing specialty program that would
30 upgrade the level of skill and competence of specialty nurse clinicians in the country, such as,
31 but not limited to, the areas of critical care, oncology, renal and such other areas as may be
32 determined by the Board: *Provided* that the beneficiaries of this program are obliged to serve
33 in any Philippine hospital for a period of at least two (2) years continuous service.
34

35 **Section 42.** *Funding for the Comprehensive Nursing Specialty Program.* The annual financial
36 requirement needed to train at least ten percent (10%) of the nursing staff of the participating
37 government hospital shall be chargeable against the income of the Philippine Charity
38 Sweepstakes Office (PCSO) and the Philippine Amusement and Gaming Corporation
39 (PAGCOR), which shall equally share in the costs and shall be released to the Department of
40 Health subject to accounting and auditing procedures. *Provided* that the Department of
41 Health shall set the criteria for the availment of this program.
42
43

44 **ARTICLE VIII**

45 **Nursing Leadership and Governance**

46

47 **Section 43.** *Nursing Leadership.* Nursing is a dynamic field that requires leaders who will go
48 through the changing aspects of the health sector as they are part of the workforce that will
49 toil and labor for the improvement of the health of the citizenry. Nurses adapt specific roles
50 in organizational structure, from being the policy makers in health facilities and giving

1 guidance to senior management on best practices in nursing and patient care. They work with
2 healthcare leaders to establish compensation and benefit programs and are involved in nurse
3 recruitment, training and retention. Thus, nurses in the management positions shall develop
4 patient-care programs, manage nursing budgets, plan new patient services, establish nursing
5 policies and procedures, participate in cross-departmental decision making, conduct
6 performance improvement activities and represents the scope of nursing practices at board of
7 director meetings and other stakeholders.

8
9 **Section 44. *Nursing Governance.*** Governance in nursing practice is shifting from the
10 traditional view that nurses are subordinate and passive employees towards having more
11 proactive involvement of taking charge of the organization to be the antecedent in decision
12 making and implementation of plans and policies for the patients and communities.
13 Governance in the practice of nursing shall be encouraged to empower each nurse in
14 decision-making over their professional practice while extending their power and control
15 over the administrative aspect of their practice.

16
17
18 **ARTICLE IX**
19 **Nursing Personnel System**
20

21 **Section 45. *Nursing Personnel System.*** The nursing personnel system covers the following
22 fields: nursing service administration in the hospital setting, public health practice, and the
23 academe.

24
25 **Section 46. *Salary.*** In order to enhance the general welfare, commitment to service, and
26 professionalism of nurses, the minimum base pay of nurses working in the public health
27 institutions shall not be lower than salary grade (SG) "15" as prescribed under Republic Act
28 No. 6758, otherwise known as the "Compensation and Classification Act of 1989." In private
29 health institutions, the minimum base pay for the nurses, upon entry, shall be equivalent to
30 that of SG "15" in public hospitals.

31
32 **Section 47. *Incentives and Benefits.*** The Board of Nursing, in coordination with the
33 Department of Health, other concerned government agencies, association of hospitals and the
34 accredited professional organization, shall establish an incentive and benefit system in the
35 form of free hospital care for nurses and their dependents, scholarship grants and other non-
36 cash benefits. The government and private hospitals are hereby mandated to maintain the
37 standard nurse-patient ratio.

38 **Section 48. *Ratio.*** To effectuate the quality nursing care for the patients, the staff nurse to
39 patient ratio in a hospital setting (general nursing service or general ward) shall be set at a
40 ratio of one is to twelve (1:12). In the barangay set-up, the nurse to patient ratio shall be set
41 at one is to ten thousand (1:10,000); *Provided* that the nurse shall be the supervisors of the
42 midwives and barangay health workers. There shall be a nurse for every school, may it be
43 private or public, primary, secondary or tertiary, subject to the applicable ratio prescribed by
44 the appropriate government agency.

45
46 **Section 49. *Nursing Service Administration in the Hospital Setting.*** The Nursing Personnel
47 in the hospital is headed by a Nursing Administrator with the title, Chief Nursing Officer
48 (CNO). The CNO shall be the executive head of the nursing service of a healthcare facility.
49

1 **Section 50. *Qualifications of a CNO.*** The CNO must have a minimum of eight (8) years
2 related clinical experience, with at least five (5) years experience in a supervisory or
3 managerial position in nursing, at least two (2) years experience as staff nurse in a general
4 nursing service, at least one (1) year in specialty nursing area, and must be a member of good
5 standing in the accredited professional organization.

6
7 **Section 51. *Duties and Responsibilities of Chief Nursing Officer (CNO).*** The CNO shall be
8 responsible for the full administrative aspects and shall have the authority for the planning,
9 organizing, directing and controlling of the nursing service. The CNO shall have governance
10 responsibility, accountability and shall serve as an advocate of the rights and welfare of the
11 nursing staff in the hospital.

12
13 The duties of the CNO includes, but not limited to, the formulation of policies, strategic and
14 operational planning, financial plan and resource allocation, development of procedures, and
15 professional and organizational involvement.

16
17 **Section 52. *Responsibilities and Duties of a Clinical Nurse Supervisor (CNS).*** The CNS
18 refers to the middle level manager in charge of a particular nursing department. The CNS
19 shall be responsible in the planning, organizing, directing, controlling, and implementing of
20 policies within the area.

21
22 The CNS is in charge of planning and implementation of staff development programs for
23 different categories of nursing personnel including nursing students and other affiliates. The
24 CNS shall provide insights on methods and practices for professional development in the
25 healthcare, health services and work environment. The CNS shall also initiate evidence-based
26 researches for the improvement of nursing patient care.

27
28 **Section 53. *Qualifications of a CNS.*** A CNS must have a minimum of five (5) years related
29 clinical experience preferably in an area of specialization, must be a graduate of master's
30 program in nursing, and must be a member of good standing in the accredited professional
31 organization.

32
33 **Section 54. *Charge Nurse (CN).*** The CN shall be responsible for the administration and
34 supervision of a particular Nursing Unit as well as the supervision of staff nurses in the unit.
35 The Charge Nurse must have a minimum of two (2) years related clinical experience
36 preferably in an area of specialization, must finish a minimum of 30 units of Masters in
37 Nursing Program, and must be a member of good standing in the accredited professional
38 organization.

39
40 **Section 55. *Staff Nurse (SN).*** A SN is in direct contact with patients to perform independent,
41 dependent, and interdependent nursing actions and follow the nursing process of assessment,
42 diagnosis, planning, implementation, and evaluation. Work experience is not necessary for
43 this position.

44
45 **Section 56. *Public Health Practice.*** Nursing service shall be organized and operationalized in
46 every local health agency in order to ensure the nursing component of public health
47 programs. Thus, an ideal nurse in every barangay shall be the thrust of public health in order
48 to provide accessible, available, and affordable quality health care to all. More so, a nurse in
49 every school, may it be private or public, shall be prioritized in every primary, secondary and

1 tertiary educational institution in order to instill health awareness at an early stage and to
2 improve the health status of the students.

3
4 **Section 57.** *The Public Health Chief Nursing Officer (PHCNO).* The nursing service and
5 delivery of healthcare in a public health practice or community set-up shall be headed by the
6 PHCNO. The PHCNO shall carry full administrative responsibility and shall have the
7 authority on planning, organizing, directing, and controlling of public health nurses. A
8 PHCNO must have a minimum of three (3) years' practice in a community setting as the
9 Community Health Nurse or Public Health Nurse, must have at least five (5) years experience
10 in general nursing service administration, and must be a member of good standing in the
11 accredited professional organization. In addition, the PHCNO in public health agency must
12 be a master's degree holder in Public Health or Community Health Nursing.

13
14 The PHCNO is responsible for the formulation of policies, strategic and operational planning,
15 financial plan and resource allocation, policies and procedure development, professional and
16 organizational involvement to address epidemiologic problems and provide statistical data,
17 and shall exercise good governance and accountability of the nursing personnel in a public
18 health setting. The PHCNO shall also act as the advocate for the rights and welfare of public
19 health nurses.

20
21 **Section 58.** *Public Health Nurse Supervisor (PHNS).* The PHNS shall be in charge of
22 planning, organizing, directing and controlling activities within a demographic unit. A PHNS
23 must have a minimum of three (3) years practice in a community setting as the Community
24 Health Nurse or Public Health Nurse, must be a master's degree holder in Public Health or
25 Community Health Nursing, and must be a member of good standing in the accredited
26 professional organization.

27
28 **Section 59.** *The Public Health Nurse (PHN).* The PHN shall perform the functions and
29 activities of health promotion, such as the prevention and treatment of various diseases and
30 illnesses in a particular public setting. The PHN shall exercise a supervisory role to the
31 midwives and barangay health workers within her catchment area. The PHN shall initiate and
32 participate in developing policies and guidelines to promote basic Nursing services. A PHN
33 must be a member of good standing in the accredited professional organization.

34
35 **Section 60.** *Academe.* The Dean of the College of Nursing (Dean) shall formulate policies,
36 plans and adhere to the prescribed curriculum for advancement of Nursing education. The
37 Dean must be a holder of a master's degree in nursing, education, or other allied medical and
38 health sciences conferred by a college or university duly recognized by the Government of
39 the Republic of the Philippines, must have at least three (3) years of experience in teaching
40 and supervision in Nursing education, must have at least one (1) year clinical experience in a
41 general nursing service, and must be a member of good standing in the accredited
42 professional organization.

43
44 **Section 61.** *Faculty Coordinator.* A faculty coordinator must be a holder of a master's degree
45 in nursing, education, or other allied medical and health sciences conferred by a college or
46 university duly recognized by the Government of the Republic of the Philippines, must have
47 at least one (1) year of clinical practice in a field of specialization, must have at least one year
48 of experience in teaching in Nursing education, and must be a member of good standing in
49 the accredited professional organization.

50

1 **Section 62. *Qualifications of the Faculty.*** A member of the faculty in a college of nursing
2 teaching professional courses must have at least one (1) year of clinical practice in a field of
3 specialization, must be a holder of a master's degree in nursing, education, or other allied
4 medical and health sciences conferred by a college or university duly recognized by the
5 Government of the Republic of the Philippines, and must be a member of good standing in
6 the accredited professional organization.
7

8
9 **ARTICLE X**
10 **Prohibited Acts and Penalties**

11
12 **Section 63. *Prohibited Acts.*** Any of the following shall constitute unlawful and illegal acts:
13

14 (a) Any person practicing the nursing profession in the Philippines:

- 15
16 1. Without a certificate of registration/ professional license and professional
17 identification card or special temporary permit or without having been declared
18 exempt from examination in accordance with the provision of this Act;
19
- 20 2. Who uses as his/her own certificate of registration/professional license and
21 professional identification card or special temporary permit of another;
22
- 23 3. Who uses an invalid certificate of registration/professional license, a suspended or
24 revoked certificate of registration/professional license, or an expired or cancelled
25 special/temporary permits;
26
- 27 4. Who gives any false evidence to the Board in order to obtain a certificate of
28 registration/professional license, a professional identification card or special permit;
29 or
30
- 31 5. Who falsely poses or advertises as a registered and licensed nurse or uses any other
32 means that tend to convey the impression that he/she is a registered and licensed
33 nurse;
34
- 35 6. Who appends B.S.N./R.N. after his or her name or Nurse/Nr. before his or her name
36 without having been conferred said degree or registration;
37
- 38 7. Who, as a registered and licensed nurse, abets or assists the illegal practice of a
39 person who is not lawfully qualified to practice nursing; or
40
- 41 8. Who advertises any title or description tending to convey the impression that he or
42 she is a nurse e.g. using the nurses' uniform and cap without holding a valid
43 certificate of registration from the Board.³
44

45 (b) Any natural or juridical person, educational institution offering BSN without full
46 compliance with the requirements prescribed by law, undertakes *in-service* educational
47 programs, conducts review classes for both local and foreign examination without
48 permit/clearance from the Board and the Commission, or conducts Continuing

³ Republic Act No. 877, otherwise known as the Philippine Nursing Law of 1953.

1 Professional Education for nurses without accreditation of the provider and
2 accreditation of the program from the Board;

3 (c) Any natural or juridical person or health facility who subscribes to sub-standard quality
4 of nursing care and/or nursing practice, such as non-compliance with the nurse-
5 patient ratio;

6
7 (d) Any natural or juridical person, health facility who exercises and promotes precarious
8 working conditions to nurses, such as, but not limited to, the following:

9
10 1. Contracting or availing of the services of a nurse either without salary, for
11 allowance, for salary below the applicable minimum wage (for nurses deployed in
12 private health facilities) or below the prescribed salaries under this Act, whether or
13 not under the pretext of a training, development program, certification course and
14 /or any seminar; or

15
16 2. Depriving or denying a nurse of the incentives and benefits as provided for by
17 existing laws;

18
19 3. Collecting any fees from a nurse or from any person or entity in his or her behalf in
20 exchange for a nurse's voluntary services in a health facility; or

21
22 4. Requiring or obliging a volunteer nurse to perform the regular work functions
23 and/or regular work load expected from a regular staff nurse employed by the health
24 facility without proper compensation, to render full-time service as a condition for
25 the continued availment of his/her volunteer services, and to be the sole nurse on
26 duty, except during disasters, calamities, and war;

27
28 5. Contracting or availing of the services of a volunteer nurse or nurse trainee in order
29 to fill up a vacant position that requires the hiring of a full-time regular employed
30 nurse, or for free in exchange for any type of certification to be issued by the health
31 facility for purposes of the nurse's employment application;

32
33 6. Contracting or availing of the services of a nurse, under the pretext of training or
34 certification course, but requires him/her to render the tasks and responsibilities
35 expected of a regular staff or public health nurse, with the so-called allowance with
36 or without benefits, which is below the applicable minimum wage for both private
37 and public institutions;

38
39 7. Availing the services of a nurse under contractualization and job order type of
40 employment;

41
42 (e) Any violation of the provisions of this Act.

43
44 **Section 64. Sanctions.** A fine of not less than one hundred thousand pesos (P100,000.00) nor
45 more than three hundred thousand pesos (P300,000.00) or imprisonment of not less than one
46 (1) year nor more than six (6) years, or both, upon the discretion of the court, shall be
47 imposed upon violation of any prohibited acts enumerated in Section 63 (a) hereof.

48
49 A fine of not less than three hundred thousand pesos (P300,000.00) nor more than five
50 hundred thousand pesos (P500,000.00) or imprisonment of not less than one (1) year nor

1 more than six (6) years, or both, shall be imposed upon violation of any prohibited acts
2 enumerated in Section 63 (b), (c), (d), and (e) hereof. In addition, the license to operate may
3 be suspended or revoked upon discretion of the court.

4
5 **Section 65. Refund and Compensation.** Any nurse found to have been a victim of Section
6 60(d) hereof shall be entitled to a full refund of all fees illegally collected and payment of
7 unpaid salary, which should not be less than the applicable wage for services rendered.

8
9
10 **ARTICLE XI**
11 **Miscellaneous**

12
13 **Section 66. Implementing Agencies.** The Department of Health is hereby designated as the
14 agency tasked with monitoring the compliance with and implementation of the provisions of
15 this Act by public health facilities. The Department of Labor and Employment is designated
16 as the agency tasked with monitoring the compliance with and implementation of the
17 provisions of this Act by private health facilities. The Commission and the Board is
18 designated as the agency tasked with monitoring the compliance with and implementations of
19 the provisions of this Act by educational institutions, CPE providers and health facilities. The
20 CHED is similarly designated as the agency tasked with monitoring the compliance with and
21 implementations of the provisions of this Act by educational institutions with regard to
22 nursing education programs and its curriculum.

23
24 **Section 67. Appropriations.** The amount necessary to carry out the provisions of this Act
25 shall be charged to the General Appropriations Act immediately upon effectivity hereof.

26
27 **Section 68. Rules and Regulations.** Within ninety days (90) after the effectivity of this Act,
28 the Board, Civil Service Commission, Department of Budget and Management, the
29 Department of Health and other concerned government agencies, shall formulate the
30 implementing rules and regulations necessary to carry out the provisions of this Act. The
31 implementing rules and regulations shall be published in the Official Gazette or in any
32 newspaper of general circulation.

33
34 **Section 69. Separability Clause.** Should any provision of this Act be declared
35 unconstitutional, the remaining parts not affected thereby shall remain valid and operational.

36
37 **Section 70. Repealing Clause.** Republic Act No. 9173, otherwise known as the "Philippine
38 Nursing Act of 2002" is hereby repealed. All other laws, decrees, orders, circulars, issuances,
39 rules and regulations and parts thereof which are inconsistent with this Act are hereby
40 repealed, amended or modified accordingly.

41
42 **Section 71. Effectivity.** This act shall take effect fifteen (15) days after its publication in the
43 Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

44
45 Approved,