

**[ REPUBLIC ACT NO. 9173, October 21, 2002 ]**

**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**

SEC. 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 for 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**

SEC. 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) recommendees, per vacancy, of the Professional Regulation Commission, hereinafter referred to as the Commission, chosen and ranked from a list of three (3) nominees, per vacancy, of the accredited professional organization of nurses in the Philippines who possess the qualifications prescribed in Section 4 of this Act.

SEC. 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 member 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 offense 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.

SEC. 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 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.

SEC. 6. *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 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 No.1764 until their replacements have been appointed by the President and shall have been duly qualified.

SEC. 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.

SEC. 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.

SEC. 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 on 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 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 in coordination and consultation with the accredited professional organization of nurses within one (1) year from the effectivity of this Act;
- g. Recognize nursing specialty organizations in coordination with the accredited professional organization; and
- 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.

SEC. 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 making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of the nursing profession.

SEC. 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 of irregularities in the licensure examination; and
- c. Unprofessional, immoral or dishonorable conduct.

## ARTICLE IV

### EXAMINATION AND REGISTRATION

SEC. 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.

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

- a. 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's Degree in Nursing from a college or university that complies with the standards of nursing education duly recognized by the proper government agency.

SEC. 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 broad areas of nursing, and other related disciplines and competencies in determining the subjects of examinations.

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

SEC. 16. *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. 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 the 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 to every registrant upon payment of the required fees.

SEC. 18. *Fees for Examination and Registration.* — Applicants for licensure and for registration shall pay the prescribed fees set by Commission.

SEC. 19. *Automatic Registration of Nurses.* — 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.

SEC. 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 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. 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. 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; 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.

SEC. 22. *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. 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 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;