

**[PRC BOARD OF NURSING BOARD RESOLUTION
NO. 425, October 22, 2003]**

**IMPLEMENTING RULES AND REGULATIONS OF THE "PHILIPPINE
NURSING ACT OF 2002" (REPUBLIC ACT NO. 9173)**

Background

Implementing Rules and Regulations (IRR) is being issued pursuant to Section 38, Article X of Republic Act (RA) No. 9173, entitled "**An Act Providing for a More Responsive Nursing Profession, Repealing for the Purpose Republic Act No. 7164, Otherwise Known as the Philippine Nursing Act of 1991 and for Other Purposes**", mandating the Professional Regulatory Board of Nursing, hereinafter referred to as the Board, and the Professional Regulation Commission, hereinafter referred to as the Commission, in coordination with the Accredited Professional Organization (APO), the Department of Health (DOH), the Department of Budget and Management (DBM) and other concerned government agencies to formulate the necessary rules and regulations that will effectively implement the provisions of law.

Rule 1

Coverage, Policy Statement, and Definition of Terms

SECTION 1. Title - This Resolution shall be known as the "Rules and Regulations Implementing the Philippine Nursing Act of 2002", referred to in short as IRR.

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 for our nurses.

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

SECTION 3. Definition of Terms - As used in this IRR, the following terms are construed as follows:

- a. *New Nursing Act* - RA No. 9173, otherwise known as the "Philippine Nursing Act of 2002".
- b. *Commission* - the Professional Regulation Commission (PRC) created under Section 3 of RA No. 9173.
- c. *Board* - The Professional Regulatory Board of Nursing created under Section 3, Article III of R.A. No. 9173.
- d. *Nursing Practice* - covers the three (3) areas of nursing, namely: nursing education, nursing services and community health nursing.

e. *Professional Nurse* - a person whose name and registration/professional license number is entered in the Commission's registry book and computerized database as legally authorized to practice the nursing profession.

f. *Practicing Professional Nurse* - a person who is engaged in the practice of the nursing profession or is performing acts or activities, whether regularly or occasionally, including one who is employed in a government office or in a private firm, company or corporation whose duties required knowledge and application of the nursing profession.

g. *Foreign Professional Nurses* - foreign nationals who, being licensed professional nurses in their own countries, are authorized by existing laws to practice their profession either as holders of a certificate of registration and a professional identification card or a special/temporary permit in the Philippines, subject to the provisions of subsections (j) and (l) of Section 7 of RA No. 8981 and other pertinent provisions of said RA No. 8981 and RA No. 9173.

h. *Nursing Specialty Program* - a training and development program intended to develop enhance the skills, to which a registered nurse devotes himself/herself whether as a vocation or profession, to enable him/her to provide nursing service in specific areas in accordance with the ethics of the profession and applicable law.

i. *Public Health Institution* - any organization that pursues the aims of public health through the provision of services (e.g. Local Government Units through its Rural Health Units) research (e.g. Research Institute for Tropical Medicine, training (e.g. College of Public Health) management of programs/projects (e.g. Department of Health) or advocacy (e.g. Health Alliance for Democracy) to include schools.

j. *Accredited Professional Organization (APO)* - The Philippine Nurses Association (PNA), Inc. or any professional organization of Nurses which now or may hereinafter, is accredited by the Commission.

Rule II

Composition of the Board, Appointment, Qualifications, Term of Office and Compensation of Chairperson and Members, Their Removal and Suspension, Requirements Upon Qualification as Members of the Board of Nursing, Submission of Reports, and their Powers and Duties

SECTION 4. Composition of the Board - The Board created under Section 3, Article III of the said Nursing Act shall be composed of a Chairperson and six (6) members, representing the three (3) areas of nursing, namely: nursing education, nursing service, and community health nursing. The Board shall be under the administrative supervision and control of the Commission, and as such:

a. 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; and

- b. The Commission shall designate the Secretary of the Board and shall provide the secretariat and other support services needed by the Board to implement the provisions of the said Nursing Act.

SECTION 5. Appointment - The Chairperson and six members shall be appointed by the President of the Republic of the Philippines upon the recommendation of the Commission: Provided, That all those who will be recommended by the Commission to the President for appointment shall be duly licensed/registered nurses chosen only from among the nominees submitted by the accredited professional organization of nurses in the Philippines to the Commission to fill up vacancies. For this purpose, the following shall strictly be observed/complied with:

- a. The Commission shall, before the last year of the term of office of any member, notify and request the accredited professional organization of nurses in the Philippines to submit to the Commission at least three (3) qualified nominees per vacancy.
- b. The accredited professional organization of nurses shall upon receipt of the Commission's request screen and rank qualified nurses only for the purpose and submit three (3) nominees, per vacancy, to the Commission not later than three months before the vacancy occurs.
- c. The Commission upon receipt of the list of nominees of the accredited professional organization of nurses in the Philippines shall rank said nominees and submit to the President of the Philippines two (2) nominees, per vacancy, not later than two (2) months before the vacancy occurs, with the request that the appointment be issued not later than thirty (30) days before the scheduled licensure examinations.
- d. Reappointment shall be subject to the provisions of E.O. No. 496.
- e. The necessary operating procedures to ensure strict compliance therewith shall be embodied in a Memorandum of Agreement (MOA) by the Commission and the accredited professional organization of nurses.

SECTION 6. Qualifications of the Chairperson and Members - 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 Chairperson and majority of the Members must be holders of a master's degree in nursing.
- d. Must have at least ten (10) years of continuous practice of the profession prior to appointment, the last five (5) years of which must be in the Philippines; and
- e. Must not have been convicted of any offense involving moral turpitude.

SECTION 7. Term of Office - The Chairperson and Members shall hold office for a period of three (3) years and until their successors shall have been appointed and qualified, provided that:

- a. No Chairperson and Member shall be appointed and/or reappointed for more than two (2) terms or a period of six (6) years;
- b. Appointments to a vacancy that occurs before the expiration of the term of office of the Chairperson/Member shall cover only the unexpired portion of the term of the immediate predecessor;
- c. The Chairperson and Members 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 RA No. 7164 until their replacements shall have been appointed by the President and shall have been duly qualified.

SECTION 8. Removal or Suspension of the 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 to be conducted by the commission 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.

SECTION 9. Compensation of the Board Members - The Chairperson and Members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the Chairperson and Members of other professional regulatory boards from the Commission.

SECTION 10. Requirements Upon Qualifications as Chairperson and Member of the Board - Any person appointed as Chairperson or Member of the Board shall:

- a. 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;
- b. Immediately resign from any office or employment in the private sector and/in the government or any subdivision, agency or instrumentality thereof, including government owned and/or- controlled corporations or their subsidiaries.
- c. Not have any pecuniary interest in, or administrative supervision over any institution offering Bachelor of Science in Nursing including review classes.

Pecuniary interest refers to involvement of husband/wife, children, brothers/sister, mother/father in any activity that will conflict with her position in the Board, particularly money matters.

SECTION 11. Powers, Duties, Functions and Responsibility of the Board - The Board shall supervise and regulate the practice of the nursing profession in the Philippines. As such, pursuant to the provisions of R.A. No. 9173 and RA No. 8981, otherwise known as the "PRC Modernization Act of 2000", the Board shall have the following specific powers, functions, duties and responsibilities:

- 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 written recommendation of the Board.
- e. Conduct hearings and investigations to resolve complaints against nurse practitioners for unethical and unprofessional conduct and violation of this Act, or its rules and regulations. In connection therewith, the Board, upon application with the court, is empowered to:
 1. Issue subpoena ad testificandum and subpoena duces tecum to secure the appearance of respondents and witnesses and the production of documents; and
 2. Punish with contempt persons obstructing, impeding and/or otherwise interfering with the conduct of such proceedings.
- f. Adopt and promulgate a Code of Ethics and a Code of Technical Standards for the practice of nursing in coordination and consultation with the accredited professional organization of nurses within one (1) year from the effectivity of the subject Nursing Act;
- g. Recognize nursing specialty organizations in coordination with the accredited professional organization: the recognition of nursing specialty organizations shall be based on the criteria jointly developed by the Board of Nursing and the Accredited Professional Organization.
- h. Subject to the review and approval of the Commission, prescribe, adopt, issue and promulgate guidelines, regulations, measures, and decisions as may be necessary for the improvement of nursing practice, advancement of the profession, and for the proper and full enforcement of the provisions of the "Philippine Nursing Act of 2002" ; and
- i. Submit an annual report to the Commission at the close of its calendar year giving detailed account of its proceedings and the accomplishments