

# **RULES AND REGULATIONS**

## **Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

### **STATE BOARD OF NURSING**

#### **[49 PA. CODE CH. 21]**

#### **Opioid Prescription and Education and Organ Donation Education**

**[55 Pa.B. 7504]**

**[Saturday, November 1, 2025]**

The State Board of Nursing (board) amends §§ 21.131, 21.133, 21.134, 21.283, 21.284b, 21.331, 21.605 and 21.822 and adds § 21.289 to read as set forth in Annex A.

#### *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The provisions relating to required training relative to organ and tissue donation and recovery will apply beginning May 1, 2026.

#### *Statutory Authority*

Section 2.1(k) of The Professional Nursing Law (63 P.S. § 212.1(k)) sets forth the board's general rulemaking authority. Under section 9.1 of the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. § 872.9a) and 20 Pa.C.S. § 8628 (relating to requirements for physician and nurse training relative to organ and tissue donation and recovery), the board is required to implement the mandatory education requirements. Additionally, violations of the Safe Emergency Prescribing Act (35 P.S. §§ 873.1—873.9) may subject Certified Registered Nurse Practitioners (CRNP) to discipline.

#### *Background and Purpose*

In 2016, the General Assembly amended the ABC-MAP Act (35 P.S. §§ 872.1—872.40), including the requirement imposed by section 9.1(a) of the act of November 2, 2016 (P.L. 980, No. 124) (Act 124 of 2016) on all prescribers and dispensers to obtain 2 hours of mandatory education regarding pain management or the identification of addiction, 2 hours of education in the practices of prescribing or dispensing of opioids (collectively, "opioid education") within 1 year of obtaining prescriptive authority and an additional 2 hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. At the same time, the General Assembly enacted the Safe Emergency Prescribing Act, which imposed restrictions on CRNPs' prescription of opioid drug products to individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital. Violation of the Safe Emergency Prescribing Act subjects CRNPs to discipline.

The board implemented Act 124 of 2016, and since January 1, 2017, the board has required CRNPs with prescriptive authority to verify completion of the 2 hours of education in any of the

three topics per biennium as a condition of prescriptive authority biennial renewal. Generally, CRNP nursing education programs verify completion of the opioid education at the time of application. If a prescriptive authority is issued without a verification of completion, the board sends a letter to the CRNP reminding the CRNP that the education must be completed, that the verification must be submitted within 1 year from issuance of the prescriptive authority and that failure to do so may result in disciplinary action. Shortly after enactment, representatives of the Bureau of Professional and Occupational Affairs (bureau), on behalf of the impacted licensing boards, met with representatives of the Department of Health (DOH) to discuss curricula required by Act 124 of 2016. Because the opioid education required was readily available from multiple board-approved providers and is incorporated into many CRNP nursing education programs' advanced pharmacology courses, a decision was made not to mandate a specific curriculum like what is required for organ and tissue donation and recovery process (collectively, "organ donation"), discussed as follows. Nonetheless, for guidance, DOH has posted seven modules that fit within the mandated education on its webpage at <https://www.pa.gov/agencies/health/healthcare-and-public-health-professionals/pdmp/education>.

In addition, the General Assembly amended 20 Pa.C.S. §§ 8610—8632 (relating to express anatomical gifts), including the requirement imposed in 20 Pa.C.S. § 8628 that registered nurses (RN) complete at least 2 hours of board-approved continuing education in organ donation one time within 5 years of initial licensure or within 5 years of licensure renewal, whichever occurs first. In drafting organ donation regulations, the board has worked with DOH and other agencies regarding the development of an approved curriculum for continuing education in organ donation. Representatives from the DOH's Division of Nutrition and Physical Activity, Bureau of Health Promotion & Risk Reduction, Center for Organ Recovery and Education; Donate Life PA; and Gift of Life Donor Program; organ procurement organizations (OPO) designated for the region by the United States Secretary of Health and Human Services; and Counsel for the State Board of Medicine, the State Board of Osteopathic Medicine and the board formed a workgroup to discuss implementation of 20 Pa.C.S. § 8628 and the development of the required curriculum by the OPOs. The OPOs have advised that the curriculum is now available for providers.

The amendments are required to update the board's existing regulations on both subjects to be consistent with the aforementioned acts.

### *Summary and Response to Comments*

Notice of the proposed rulemaking was published at 53 Pa.B. 5776 (September 16, 2023). Publication was followed by a 30-day public comment period during which the board received no public comments. Additionally, there were no comments received from the Independent Regulatory Review Commission (IRRC) other than to say that they have no objections, comments or recommendations to offer. IRRC further advised that if the final-form rulemaking is delivered without revisions, and the committees do not take any action, it will be deemed approved. The Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) and the Professional Licensure Committee of the House of Representatives (HPLC) did not submit comments.

The board has amended the organ donation regulations relating to the effective date of these provisions. Instead of making the effective date of the organ donation requirement the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*, the board makes the effective date May 1, 2026. Part of the reason for choosing May 1, 2026, is that the bureau wants to roll out the board's organ donation regulations at the same time as the organ donation regulations for the State Board of Medicine and State Board of Osteopathic Medicine. Additionally, the bureau is transitioning to a new online application platform and the board and bureau wish to include the implementation of the organ donation requirement into the new platform, which is anticipated to be completed by May 1, 2026. In updating the effective date of the organ donation regulations, the board made minor, non-substantive amendments to clarify the timing of the effective date.

## *Fiscal Impact and Paperwork Requirements*

The board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. RNs, CRNPs, Clinical Nurse Specialists and RN-volunteer license holders are already required to complete mandatory continuing education, and as these hours are incorporated in the existing requirement, there would be no increased burden. Also, like with other continuing education, aside from the mandatory child abuse education, licensees and certificate holders are required to keep copies of their continuing education certificates in the event of an audit.

There are no significant fiscal impact or paperwork requirements associated with the Safe Emergency Prescribing Act.

## *Sunset Date*

The board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

## *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 30, 2023, the board submitted a copy of the notice of proposed rulemaking, published at 53 Pa.B. 5776, and a copy of a regulatory analysis form to IRRC and to the chairpersons of the SCP/PLC and the chairpersons of the HPLC for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the board shall submit to IRRC, the SCP/PLC and the HPLC copies of comments received, as well as other documents when requested. The board did not receive any comments from the public, IRRC, the SCP/PLC or the HPLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on July 28, 2025, the board delivered this final-form rulemaking to IRRC, the SCP/PLC and the HPLC. Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the SCP/PLC and the HPLC on September 17, 2025. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 18, 2025, and approved the final-form rulemaking.

## *Additional Information*

Additional information may be obtained by writing to Cynthia Miller, Board Administrator, State Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-NURSE@pa.gov.

## *Findings*

The board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and no comments were received.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 53 Pa.B. 5776.

(4) This final-form rulemaking is necessary and appropriate for the administration of the relevant provisions of the ABC-MAP Act and the Safe Emergency Prescribing Act.

*Order*

The board, acting under its authorizing statute, orders that:

(a) The regulations of the board, 49 Pa. Code Chapter 21, are amended by amending §§ 21.131, 21.133, 21.134, 21.283, 21.284b, 21.331, 21.605 and 21.822 and adding § 21.289 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The board shall submit a copy of this final-form rulemaking to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(c) The board shall submit this final-form rulemaking to IRRC, the SCP/PLC and the HPLC as required by law.

(d) The board shall certify this final-form rulemaking and shall deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

COLBY P. HUNSBERGER, DNP, RN, CNEcl,  
Chairperson

*(Editor's Note: See 55 Pa.B. 7063 (October 4, 2025) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 16A-5146 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter A. REGISTERED NURSES**

**CONTINUING EDUCATION**

**§ 21.131. Continuing education.**

(a) *Requirement of continuing education.* A registered nurse seeking licensure renewal shall complete 30 hours of continuing education approved by the Board during the biennial renewal period immediately preceding the application for renewal in accordance with section 12.1 of the act (63 P.S. § 222) and this subchapter. At least 2 of the 30 hours shall be completed in approved continuing education in child abuse recognition and reporting requirements in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). The Board will not renew a license of a registered nurse who fails to verify compliance with the continuing education requirement. A registered nurse whose license is not renewed by the expiration of the biennial renewal period may not engage in the practice of professional nursing until the

continuing education requirements are satisfied and the license has been renewed, reinstated or reactivated.

(a.1) *Additional continuing education requirement.*

(1) *Initial licensure prior to May 1, 2026.* Effective May 1, 2026, a registered nurse who obtained a license prior to May 1, 2026, shall verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.133(a.1) (relating to continuing education content) from the sources identified in § 21.134(a)(11) (relating to continuing education sources) one time within 5 years of licensure renewal.

(2) *Initial licensure on or after May 1, 2026.* A registered nurse who obtains a license on or after May 1, 2026, shall verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.133(a.1) from the sources identified in § 21.134(a)(11) one time within 5 years of initial licensure.

(3) *Reactivation on or after May 1, 2026.* A registered nurse who reactivates an expired or inactive license on or after May 1, 2026, shall verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.133(a.1) from the sources identified in § 21.134(a)(11) one time within 5 years of reactivation.

(b) *Exception.* An applicant applying for initial licensure in this Commonwealth will not be required to meet the continuing education requirement on the first renewal immediately following licensure, except for the mandatory continuing education in child abuse recognition and reporting required under § 21.508(b).

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## **§ 21.133. Continuing education content.**

(a) Continuing education must be relevant to patient care or professional nursing in a general or specialty area and enhance the knowledge and application of the physical, social, biological and behavioral sciences.

(a.1) The continuing education required to satisfy the organ and tissue donation and recovery process in § 21.131(a.1) (relating to continuing education) consists of the following Board-approved curriculum, which is posted on the Board's website:

- (1) Overview of the Organ Donation & Transplantation System.
- (2) Tissue Donation Process.
- (3) Organ Donation Process.
- (4) Determining Death and Family Communication.
- (5) Caring for Families.
- (6) Organ Donor Management.

(b) The Board may, for any given biennial license period and with adequate notice to registered nurses, require that up to 4 hours of continuing education be completed in designated topics.

(c) Courses in areas related to the practice of professional nursing such as the following are acceptable:

\* \* \* \* \*

(6) Pharmacology.

(7) Organ and tissue donation and recovery.

(d) Courses in areas impacting the practice of professional nursing, such as nursing administration, management, education, and diagnostic and procedural coding are acceptable.

\* \* \* \* \*

**§ 21.134. Continuing education sources.**

(a) The following continuing education activities that meet the requirements of § 21.133 (relating to continuing education content) for registered nurses are approved:

\* \* \* \* \*

(10) Activities approved by a Board in another jurisdiction.

(11) Activities sponsored by an organ procurement organization as defined in 20 Pa.C.S. § 8601 (relating to definitions).

(b) The Board may approve other sources of continuing education on a case-by-case basis after the provider or registered nurse seeking approval submits the following:

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**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS**

**CRNP PRACTICE**

**§ 21.283. Authority and qualification for prescribing, dispensing and ordering drugs.**

\* \* \* \* \*

(b) To obtain prescriptive authority approval, a CRNP shall:

\* \* \* \* \*

(3) Pay the fee set forth in § 21.253 (relating to fees).

(4) Complete at least 2 hours of Board-approved education in pain management or the identification of addiction and 2 hours of Board-approved education in the practices of prescribing or dispensing of opioids within 1 year of obtaining prescriptive authority approval. The following apply:

(i) The education may be taken as part of a Board-approved CRNP program posted on the Board's website under § 21.362(d) (relating to annual reports and compliance reviews; list of approved programs), a stand-alone course from a Board-approved CRNP advanced pharmacology

course provider authorized under subsection (b)(1) or a continuing education course from a CRNP continuing education provider listed in § 21.334(a) (relating to sources of continuing education).

(ii) This requirement only applies to CRNPs who hold a current Drug Enforcement Administration (DEA) registration or utilize the DEA registration number of another person or entity, as permitted by law, to prescribe controlled substances in any manner.

(c) A CRNP who has prescriptive authority shall complete the continuing education set forth in § 21.331(c)(2) (relating to biennial renewal of certification) as a condition of biennial renewal.

### **§ 21.284b. Prescribing, administering and dispensing controlled substances.**

\* \* \* \* \*

(d) Compliance with this section will not be treated as compliance with standards of acceptable and prevailing practice as a CRNP when medical circumstances require that the CRNP exceed the requirements of this section.

(e) A CRNP shall comply with the prescribing requirements for opioid drug products for individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital under the Safe Emergency Prescribing Act (35 P.S. §§ 873.1—873.9).

### **§ 21.289. Additional grounds for discipline.**

In addition to the grounds set forth in section 14(a) of the act (63 P.S. § 224(a)), a CRNP who fails to comply with the Safe Emergency Prescribing Act (35 P.S. §§ 873.1—873.9) shall be subject to disciplinary action.

## **MAINTENANCE OF CERTIFICATION**

### **§ 21.331. Biennial renewal of certification.**

\* \* \* \* \*

(c) As a condition of biennial renewal, a CRNP shall:

(1) Renew the CRNP's registered nurse license.

(2) Verify completion of a minimum of 30 hours of Board-approved continuing education in the 2 years prior to renewal, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). As a condition of biennial renewal of prescriptive authority approval, in the 2 years prior to the biennial renewal date of the certification, a CRNP shall also verify completion of:

(i) At least 16 hours of Board-approved continuing education in pharmacology.

(ii) At least 2 hours of Board-approved continuing education in pain management, the identification of addiction or the practices of prescribing or dispensing opioids in the 2 years prior to renewal if the licensee is renewing a prescriptive authority approval and holds a current Drug Enforcement Administration (DEA) registration or is utilizing the DEA registration of another. If required, this education shall be completed once per renewal regardless of the number of prescriptive authority approvals being renewed.

(3) Demonstrate current National certification, if the CRNP was certified by the Board after February 7, 2005.

(4) Pay the required biennial renewal fee set forth in § 21.253 (relating to fees).

(5) Verify compliance with section 8.7 of the act (63 P.S. § 218.7) regarding liability coverage.

(6) Effective May 1, 2026, verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of certification renewal. Certificate holders who obtain certification on or after the effective date shall verify completion of the 2 hours within 5 years of initial certification.

(d) Any written communication with the Board must be typed or printed and include the CRNP's full name, including former names, the current address and certification number.

## **Subchapter F. VOLUNTEER LICENSES**

### **§ 21.605. Biennial renewal.**

(a) A volunteer license shall be renewed biennially on forms provided by the Board. In accordance with section 6(c) of the Volunteer Health Services Act (35 P.S. § 449.46(c)), a volunteer license holder shall comply with the applicable continuing education requirements imposed by the Board, including at least 2 hours of training in approved child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement), and if the licensee is renewing a prescriptive authority approval and holds a current Drug Enforcement Administration (DEA) registration or is utilizing the DEA registration of another, at least 2 hours of Board-approved continuing education in pain management, the identification of addiction or the practices of prescribing or dispensing opioids, in the 2 years prior to renewal. If required, this education shall be completed once per renewal regardless of the number of prescriptive authority approvals being renewed. The applicant shall be exempt from payment of the biennial renewal fee of § 21.5, § 21.147 or § 21.253 (relating to fees), as applicable.

(b) Effective May 1, 2026, the licensee shall verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of licensure renewal. Licensees who obtain licensure on or after the effective date shall verify completion of the 2 hours within 5 years of initial licensure.

## **Subchapter H. CLINICAL NURSE SPECIALISTS**

### **MAINTENANCE OF CERTIFICATION**

### **§ 21.822. Biennial renewal of certification.**

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(e) The applicant shall remit the required renewal fee in § 21.805 (relating to fees) with the applicant's renewal application forms. Upon approval of the renewal application, the CNS will receive a certification for the current renewal period.

(f) Effective May 1, 2026, the licensee shall verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in

accordance with § 21.131(a.1) (relating to continuing education) within 5 years of certification renewal. Certificate holders who obtain certification on or after the effective date shall verify completion of the 2 hours within 5 years of initial certification.

**[Pa.B. Doc. No. 25-1469. Filed for public inspection October 31, 2025, 9:00 a.m.]**

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