



GOV. MSG. NO. 788

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 2, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 2, 2009, the following bill was signed into law:

HB1378 HD2 SD2 CD1

A BILL FOR AN ACT
RELATING TO ADVANCED PRACTICE
REGISTERED NURSES.
ACT 169 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on JUL 2 2009

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 169
H.B. NO. 1378
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there is a need for
2 more access to health care professionals, particularly in rural
3 areas. Studies show that appropriately trained advanced
4 practice registered nurses can provide high quality health care
5 and achieve positive outcomes for patients. Advanced practice
6 registered nurses are capable of providing primary health care
7 and play an important role in meeting the growing demand for
8 primary health care, particularly in underserved areas.

9 The legislature further finds that the disciplines of
10 medicine and nursing and the roles of physicians and advanced
11 practice registered nurses are complementary. Ultimately, the
12 interests of patients are well served when advanced practice
13 registered nurses are included as an essential component of the
14 primary health care team.

15 The purpose of this Act is to recognize advanced practice
16 registered nurses as participating primary health care providers
17 for insurance coverage purposes, permit advanced practice



1 registered nurses to sign documents relating to health care for
2 their patients, clarify educational and other requirements for
3 advanced practice registered nurses, and update the authority
4 for advanced practice registered nurses to write prescriptions,
5 including prescriptions for controlled substances, medical
6 equipment, and therapeutic regimens, in accordance with their
7 scope of practice.

8 SECTION 2. Chapter 431, article 10A, Hawaii Revised
9 Statutes, is amended by adding a new section to be appropriately
10 designated and to read as follows:

11 **"§431:10A- Primary care provider; advanced practice**
12 **registered nurse.** (a) Each policy of accident and health or
13 sickness insurance delivered or issued for delivery in this
14 state shall recognize advanced practice registered nurses, as
15 defined under section 457-8.5(a), as participating providers,
16 and shall include coverage for care provided by participating
17 advanced practice registered nurses practicing within the scope
18 of their licenses for purposes of health maintenance, diagnosis,
19 or treatment, to the extent that the policy provides benefits
20 for identical services rendered by another health care provider.

21 (b) Notwithstanding any other law to the contrary, an
22 insurer may recognize a participating advanced practice



1 registered nurse as a primary care provider if the insured's
2 policy requires the selection of a primary care provider. The
3 insurer shall include participating advanced practice registered
4 nurses who practice as primary care providers on any publicly
5 available list of participating primary care providers; provided
6 that the insurer retains the right to determine the contracting
7 criteria for a participating primary care provider.

8 (c) For the purposes of this section, "participating
9 advanced practice registered nurse" means an advanced practice
10 registered nurse who has contracted with the insurer to provide
11 health care services to its insureds."

12 SECTION 3. Chapter 432, article 1, Hawaii Revised
13 Statutes, is amended by adding a new section to be appropriately
14 designated and to read as follows:

15 **"§432:1- Primary care provider; advanced practice**
16 **registered nurse.** (a) Each policy of insurance delivered or
17 issued for delivery in this state by a mutual benefit society
18 shall recognize advanced practice registered nurses, as defined
19 under section 457-8.5(a), as participating providers, and shall
20 include coverage for care provided by participating advanced
21 practice registered nurses practicing within the scope of their
22 licenses for purposes of health maintenance, diagnosis, or



1 treatment, to the extent that the policy provides benefits for
2 identical services rendered by another health care provider.

3 (b) Notwithstanding any other law to the contrary, an
4 insurer may recognize a participating advanced practice
5 registered nurse as a primary care provider if the insured's
6 policy requires the selection of a primary care provider. The
7 insurer shall include participating advanced practice registered
8 nurses who practice as primary care providers on any publicly
9 available list of participating primary care providers; provided
10 that the insurer retains the right to determine the contracting
11 criteria for a participating primary care provider.

12 (c) For the purposes of this section, "participating
13 advanced practice registered nurse" means an advanced practice
14 registered nurse who has contracted with the insurer to provide
15 health care services to its insureds."

16 SECTION 4. Chapter 432, article 2, Hawaii Revised
17 Statutes, is amended by adding a new section to be appropriately
18 designated and to read as follows:

19 **"§432:2- Primary care provider; advanced practice**
20 **registered nurse.** (a) Each policy of insurance delivered or
21 issued for delivery in this state by a fraternal benefit society
22 shall recognize advanced practice registered nurses, as defined

1 under section 457-8.5(a), as participating providers, and shall
2 include coverage for care provided by participating advanced
3 practice registered nurses practicing within the scope of their
4 licenses for purposes of health maintenance, diagnosis, or
5 treatment, to the extent that the policy provides benefits for
6 identical services rendered by another health care provider.

7 (b) Notwithstanding any other law to the contrary, an
8 insurer may recognize a participating advanced practice
9 registered nurse as a primary care provider if the insured's
10 policy requires the selection of a primary care provider. The
11 insurer shall include participating advanced practice registered
12 nurses who practice as primary care providers on any publicly
13 available list of participating primary care providers; provided
14 that the insurer retains the right to determine the contracting
15 criteria for a participating primary care provider.

16 (c) For the purposes of this section, "participating
17 advanced practice registered nurse" means an advanced practice
18 registered nurse who has contracted with the insurer to provide
19 health care services to its insureds."

20 SECTION 5. Chapter 457, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:



1 "§457- Global signature authority. (a) Notwithstanding
 2 any other law to the contrary, advanced practice registered
 3 nurses shall be authorized to sign, certify, or endorse all
 4 documents relating to health care within their scope of practice
 5 provided for their patients, including workers' compensation
 6 verification documents, verification and evaluation forms of the
 7 department of human services and department of education,
 8 verification and authorization forms of the department of
 9 health, and physical examination forms; provided that nothing in
 10 this section shall be construed to expand the scope of practice
 11 of advanced practice registered nurses.

12 (b) This section shall not apply to a certificate of
 13 disability that may be used to obtain parking privileges for
 14 disabled persons pursuant to part III of chapter 291."

15 SECTION 6. Section 329-1, Hawaii Revised Statutes, is
 16 amended as follows:

17 1. By adding a new definition to be appropriately inserted
 18 and to read:

19 "Advanced practice registered nurse with prescriptive
 20 authority" means a person licensed under section 457-8.6 who is
 21 registered under this chapter to administer or prescribe a
 22 controlled substance."

1 2. By amending the definition of "practitioner" to read:

2 "Practitioner" means:

3 (1) A physician, dentist, veterinarian, scientific
4 investigator, or other person licensed and registered
5 under section 329-32 to distribute, dispense, or
6 conduct research with respect to a controlled
7 substance in the course of professional practice or
8 research in this [~~State, and~~] state;

9 (2) An advanced practice registered nurse with
10 prescriptive authority licensed and registered under
11 section 329-32 to prescribe and administer controlled
12 substances in the course of professional practice in
13 this state; and

14 [~~(2)~~] (3) A pharmacy, hospital, or other institution
15 licensed, registered, or otherwise permitted to
16 distribute, dispense, conduct research with respect to
17 or to administer a controlled substance in the course
18 of professional practice or research in this [~~State,~~]
19 state."

20 SECTION 7. Section 329-121, Hawaii Revised Statutes, is
21 amended by amending the definition of "physician" to read as
22 follows:



1 "Physician" means a person who is licensed under [~~chapters~~
2 ~~453 and 460,~~] chapter 453 and is licensed with authority to
3 prescribe drugs and is registered under section 329-32.

4 "Physician" does not include physician's assistant as described
5 in section 453-5.3[-] or an advanced practice registered nurse
6 with prescriptive authority as described in section 457-8.6."

7 SECTION 8. Section 423D-23, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§432D-23 Required provisions and benefits.**

10 Notwithstanding any provision of law to the contrary, each
11 policy, contract, plan, or agreement issued in the [~~State~~] state
12 after January 1, 1995, by health maintenance organizations
13 pursuant to this chapter, shall include benefits provided in
14 sections 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
15 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, [~~and~~]
16 431:10A-121, and 431:10A-_____, and chapter 431M."

17 SECTION 9. Section 457-8.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§457-8.5 Advanced practice registered nurse;**
20 **qualifications; recognition; endorsement; fees; eligibility.**



1 (a) [~~The~~] Effective October 1, 2009, the board shall grant
2 recognition as an advanced practice registered nurse[~~+, provided~~
3 ~~the~~] to a nurse who has:

4 (1) A current, unencumbered license as a registered nurse
5 in this [~~State,~~] state;

6 (2) An unencumbered license as a registered nurse in all
7 other states in which the nurse has a current and
8 active license;

9 (3) An unencumbered recognition as an advanced practice
10 registered nurse or similar designation in all other
11 states in which the nurse has a current and active
12 recognition as an advanced practice registered nurse;

13 [~~4~~] ~~A master's degree in nursing as specified in rules~~
14 ~~adopted by the board or a current certification for~~
15 ~~specialized and advanced nursing practice from a~~
16 ~~national certifying body recognized by the board,~~
17 ~~provided that certified nurse midwives shall maintain~~
18 ~~current certification from a national certifying body~~
19 ~~recognized by the board; and~~

20 ~~5~~] (4) Completed an accredited graduate-level education
21 program leading to a master's degree as a certified



- 1 registered nurse anesthetist, a nurse midwife, a
2 clinical nurse specialist, or a nurse practitioner;
3 (5) A current, unencumbered certification of having passed
4 a national certification examination that measures
5 role and population-focused competencies and is
6 recognized by the board;
7 (6) Maintained continued competencies through
8 recertification in role and population-focused
9 competencies through a national certification program
10 recognized by the board;
11 (7) Acquired advanced clinical knowledge and skills
12 preparing the nurse to provide direct care to patients
13 through a significant educational and practical
14 concentration on the direct care of patients;
15 (8) Demonstrated a greater breadth of knowledge, a greater
16 synthesis of data, greater complexity of skills and
17 interventions, and greater role autonomy than
18 demonstrated by a registered nurse;
19 (9) Been educationally prepared to assume responsibility
20 and accountability for health promotion and
21 maintenance and to assess, diagnose, and manage



1 patient problems through the use and prescription of
2 pharmacologic and non-pharmacologic interventions;

3 (10) Acquired clinical experience of sufficient depth and
4 breadth to reflect the intended license; and

5 (11) Paid the appropriate fees.

6 (b) ~~[The board shall require certified nurse midwives to~~
7 ~~meet the requirements of subsection (a) in order to obtain~~
8 ~~recognition and maintain recognition as advanced practice~~
9 ~~registered nurses.]~~ Any person recognized as an advanced
10 practice registered nurse prior to October 1, 2009, whose
11 recognition was granted based on a master's degree in nursing or
12 a current certification for specialized and advanced nursing
13 practice from a national certifying body recognized by the board
14 shall be eligible to renew that recognition; provided that all
15 nurse licenses, recognitions, and prescriptive authorities or
16 similar designations held by the person in any jurisdiction are
17 unencumbered.

18 (c) Any person applying for advanced practice registered
19 nurse recognition by endorsement shall be granted recognition as
20 an advanced practice registered nurse; provided that:

21 (1) The person applying is licensed as a registered nurse
22 in this state; and



1 (2) All nurse licenses, recognitions, and prescriptive
2 authorities or similar designations held by the person
3 under the laws of this state, another state, or a
4 United States territory are unencumbered, and the
5 originating state's requirements were equal to or
6 greater than the board's advanced practice registered
7 nurse requirements which were in effect prior to
8 October 1, 2009.

9 An advanced practice registered nurse shall be eligible to
10 renew the recognition granted under this subsection; provided
11 that all nurse licenses, recognitions, and prescriptive
12 authorities or similar designations held by the person in this
13 state, another state, or a United States territory are
14 unencumbered.

15 [~~e~~] (d) Only a person who has a current, unencumbered
16 recognition from the board to practice as an advanced practice
17 registered nurse shall use the title "Advanced Practice
18 Registered Nurse" and the abbreviation "A.P.R.N.". No other
19 person shall assume the title "nurse" or in any manner imply that
20 the person is a nurse except as defined in section 457-2 or as
21 provided in sections 457-7 and 457-8 or use the abbreviation
22 "A.P.R.N." or any other words, letter, sign, or device to



1 indicate that the person using the same is an advanced practice
2 registered nurse. Nothing in this section shall preclude a
3 registered nurse who is not recognized by the board as an
4 advanced practice registered nurse and who is currently
5 certified by a national certifying body recognized by the board
6 from using another title designated by certification."

7 SECTION 10. Section 457-8.6, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§457-8.6 Prescriptive authority for advanced practice**
10 **registered nurses.** (a) The board shall grant prescriptive
11 authority to qualified advanced practice registered nurses and
12 shall designate the requirements for advanced nursing practice
13 related to prescriptive authority. [~~The Hawaii medical board~~
14 ~~shall submit an annual report of all amendments made to the~~
15 ~~formularies to the board.] The board shall determine the
16 exclusionary formulary for qualified advanced practice
17 registered nurses who are granted prescriptive authority.~~

18 (b) The department of commerce and consumer affairs shall
19 establish a joint formulary advisory committee composed of:

20 (1) Two persons licensed as advanced practice registered
21 nurses and appointed by the board;



1 (2) Two persons licensed in medicine by the Hawaii medical
2 board and appointed by the Hawaii medical board;

3 (3) Three persons licensed as pharmacists and appointed by
4 the board of pharmacy;

5 (4) One representative of the University of Hawaii John A.
6 Burns school of medicine appointed by the dean of the
7 University of Hawaii John A. Burns school of medicine;
8 and

9 (5) One representative from a school of nursing with an
10 advanced practice registered nurse program.

11 The joint formulary advisory committee shall recommend the
12 applicable formulary for persons recognized under this section.

13 The [~~Hawaii medical~~] board shall consider the recommendations of
14 the joint formulary advisory committee in adopting the
15 formulary. The appropriate working relationship with licensed
16 physicians shall be reflected in rules adopted by the board in
17 accordance with chapter 91.

18 (c) The board shall establish nursing requirements for
19 education, experience, and national certification pursuant to
20 rules adopted in accordance with chapter 91.

21 (d) Advanced practice registered nurses shall be
22 considered qualified if they have met the requirements of



1 section 457-8.5(a), and have met the advanced pharmacology
2 requirements for initial prescriptive authority pursuant to
3 rules adopted by the board. Only qualified advanced practice
4 registered nurses authorized to diagnose, prescribe, and
5 institute therapy or referrals of patients to health care
6 agencies, health care providers, and community resources and,
7 only as appropriate, to the practice specialty in which the
8 advanced practice nurse is qualified, may:

- 9 (1) Prescribe, procure, administer, and dispense over the
10 counter and legend drugs, and controlled substances
11 pursuant to this chapter and to chapter 329; provided
12 that an advanced practice registered nurse shall not
13 request, receive, or sign for professional controlled
14 substance samples;
- 15 (2) Prescribe, order, and dispense medical devices and
16 equipment; and
- 17 (3) Plan and initiate a therapeutic regimen that includes
18 nutritional, diagnostic, and supportive services
19 including home health care, hospice, and physical and
20 occupational therapy."

21 SECTION 11. The insurance commissioner shall perform a
22 review in 2011, of the effects of this Act, and submit a report



1 of the review's findings to the legislature not later than
2 twenty days prior to the convening of the regular session of
3 2012.

4 SECTION 12. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 13. This Act shall take effect upon its approval.

APPROVED this 2 day of JUL , 2009



GOVERNOR OF THE STATE OF HAWAII

