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# 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 care and  
5 achieve good health outcomes for patients. Also, advanced  
6 practice registered nurses are capable of providing critical  
7 access to primary care and can play an important role in meeting  
8 the growing demand for primary care in underserved areas. The  
9 disciplines of medicine and nursing, and the roles of physicians  
10 and advanced practice registered nurses, are complementary. The  
11 interests of consumers are well-served when advanced practice  
12 registered nurses function as an essential component of the  
13 primary health care team.

14           The purpose of this Act is to:

15           (1) Recognize advanced practice registered nurses as  
16           participating primary care providers for insurance  
17           purposes;



- 1 (2) Permit advanced practice registered nurses to sign  
2 documents relating to health care for patients;
- 3 (3) Clarify the educational requirements for advanced  
4 practice registered nurses; and
- 5 (4) Update the authority for advanced practice registered  
6 nurses to prescribe pharmaceuticals including  
7 controlled substances, medical equipment, and  
8 therapeutic regimes in accordance with the scope of  
9 their practice specialty.

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

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



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

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

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

16        "§432:1- Primary care provider; advanced practice  
17 registered nurse. (a) Each individual and group hospital or  
18 medical service plan contract delivered or issued for delivery  
19 in this state by a mutual benefit society shall recognize  
20 advanced practice registered nurses pursuant to section 457-8.5  
21 as participating providers and shall include coverage for care  
22 provided by participating advanced practice registered nurses



1 practicing within the scope of their licenses for purposes of  
2 health maintenance, diagnosis, or treatment to the extent that  
3 the medical service plan contract provides benefits for  
4 identical services rendered by another health care provider.

5 (b) Notwithstanding any other law to the contrary, mutual  
6 benefit societies may recognize a participating advanced  
7 practice registered nurse as a primary care provider, if the  
8 member's medical service plan contract requires the selection of  
9 a primary care provider. The mutual benefit society shall  
10 include participating advanced practice registered nurses on any  
11 publicly available list of participating primary care providers.  
12 The mutual benefit society shall retain the right to determine  
13 the contracting criteria for the participating provider.

14 (c) For the purposes of this section, "participating  
15 advanced practice registered nurse" means an advanced practice  
16 registered nurse who contracts with a mutual benefit society to  
17 provide health care services to members."

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

21 "§432:2- Primary care provider; advanced practice  
22 registered nurse. (a) Each benefit contract delivered or



1 issued for delivery in this state by a fraternal benefit society  
2 shall recognize advanced practice registered nurses pursuant to  
3 section 457-8.5 as participating providers and shall include  
4 coverage for care provided by participating advanced practice  
5 registered nurses practicing within the scope of their licenses  
6 for purposes of health maintenance, diagnosis, or treatment to  
7 the extent that the benefit contract provides benefits for  
8 identical services rendered by another health care provider.

9 (b) Notwithstanding any other law to the contrary,  
10 fraternal benefit societies may recognize a participating  
11 advanced practice registered nurse as a primary care provider,  
12 if the member's benefit contract requires the selection of a  
13 primary care provider. The fraternal benefit society shall  
14 include participating advanced practice registered nurses on any  
15 publicly available list of participating primary care providers.  
16 The fraternal benefit society shall retain the right to  
17 determine the contracting criteria for the participating  
18 provider.

19 (c) For the purposes of this section, "participating  
20 advanced practice registered nurse" means an advanced practice  
21 registered nurse who contracts with a fraternal benefit society  
22 to provide health care services to members."



1 SECTION 5. Chapter 432D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§432D- Primary care provider; advanced practice  
5 registered nurse. (a) Each individual and group contract  
6 delivered or issued for delivery in this state by a health  
7 maintenance organization shall recognize advanced practice  
8 registered nurses pursuant to section 457-8.5 as participating  
9 providers and shall include coverage for care provided by  
10 participating advanced practice registered nurses practicing  
11 within the scope of their licenses for purposes of health  
12 maintenance, diagnosis, or treatment to the extent that the  
13 contract provides benefits for identical services rendered by  
14 another health care provider.

15 (b) Notwithstanding any other law to the contrary, health  
16 maintenance organizations may recognize a participating advanced  
17 practice registered nurse as a primary care provider, if the  
18 enrollee's contract requires the selection of a primary care  
19 provider. The health maintenance organization shall include  
20 participating advanced practice registered nurses on any  
21 publicly available list of participating primary care providers.  
22 The health maintenance organization shall retain the right to



1 determine the contracting criteria for the participating  
2 provider.

3 (c) For the purposes of this section, a "participating  
4 advanced practice registered nurse" means an advanced practice  
5 registered nurse who contracts with a health maintenance  
6 organization to provide health care services to enrollees."

7 SECTION 6. Chapter 457, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 "§457- Signature authority. Notwithstanding any law to  
11 the contrary, advanced practice registered nurses shall be  
12 authorized to sign, certify, or endorse all documents relating  
13 to health care for their patients within the scope of their  
14 practice, including workers' compensation verification and  
15 evaluation forms of the department of human services,  
16 verification and evaluation forms of the department of  
17 education, verification and authorization forms of the  
18 department of health, and physical examination forms; provided  
19 that:

20 (1) Nothing in this section shall be construed to expand  
21 the scope of practice of advanced practice registered  
22 nurses; and



1        (2) This section shall not apply to a certificate of  
2        disability that may be used to obtain parking  
3        privileges for disabled persons pursuant to part III  
4        of chapter 291."

5        SECTION 7. Section 457-8.5, Hawaii Revised Statutes, is  
6        amended by amending subsections (a) and (b) to read as follows:

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

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

12       (2) An unencumbered license as a registered nurse in all  
13       other states in which the nurse has a current and  
14       active license;

15       (3) An unencumbered recognition as an advanced practice  
16       registered nurse or similar designation in all other  
17       states in which the nurse has a current and active  
18       recognition as an advanced practice registered nurse;

19       ~~[(4) A master's degree in nursing as specified in rules~~  
20       ~~adopted by the board or a current certification for~~  
21       ~~specialized and advanced nursing practice from a~~  
22       ~~national certifying body recognized by the board,~~





1 ~~provided that certified nurse midwives shall maintain~~  
2 ~~current certification from a national certifying body~~  
3 ~~recognized by the board; and]~~

4 (4) A master's degree from an accredited graduate-level  
5 education program as a certified registered nurse  
6 anesthetist, a nurse midwife, a clinical nurse  
7 specialist, or a certified nurse practitioner;

8 (5) A current, unencumbered certification, having passed a  
9 national certification examination that measures role  
10 and population-focused competencies and is recognized  
11 by the board;

12 (6) Maintained continued competencies through  
13 recertification in role and population competencies  
14 through the national certification program recognized  
15 by the board;

16 (7) Acquired advanced clinical knowledge and skills  
17 preparing the nurse to provide direct care to patients  
18 through a significant educational and practical  
19 concentration on the direct care of patients;

20 (8) Demonstrated a greater breadth of knowledge, a greater  
21 synthesis of data, greater complexity of skills and



1 interventions, and greater role autonomy than  
2 demonstrated by a registered nurse;

3 (9) Been educationally prepared to assume responsibility  
4 and accountability for health promotion and  
5 maintenance and to assess, diagnose, and manage  
6 patient problems through the use and prescription of  
7 pharmacologic and nonpharmacologic interventions;

8 (10) Clinical experience of sufficient depth and breadth to  
9 reflect the intended license; and

10 ~~[-5-]~~ (11) Paid the appropriate fees.

11 (b) ~~[The board shall require certified nurse midwives to~~  
12 ~~meet the requirements of subsection (a) in order to obtain~~  
13 ~~recognition and maintain recognition as advanced practice~~  
14 ~~registered nurses.]~~ Any person recognized as an advanced  
15 practice registered nurse prior to October 1, 2009, and whose  
16 recognition was granted based upon a master's degree in nursing  
17 or a current certification for specialized and advanced nursing  
18 practice from a national certifying body recognized by the  
19 board, shall be eligible to renew that recognition; provided  
20 that no nurse license, recognition, or prescriptive authority,  
21 or similar designation held by the person in this state or any



1 other state or territory of the Unites States, shall be  
2 encumbered."

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

5 "§457-8.6 Prescriptive authority for advanced practice  
6 registered nurses. (a) The board shall grant prescriptive  
7 authority to qualified or currently recognized advanced practice  
8 registered nurses and shall designate the requirements for  
9 advanced nursing practice related to prescriptive authority.  
10 ~~[The Hawaii medical board shall submit an annual report of all~~  
11 ~~amendments made to the formularies to the board.~~

12 ~~(b) The department of commerce and consumer affairs shall~~  
13 ~~establish a joint formulary advisory committee composed of:~~

14 ~~(1) Two persons licensed as advanced practice registered~~  
15 ~~nurses and appointed by the board;~~

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

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

20 ~~(4) One representative of the John A. Burns school of~~  
21 ~~medicine appointed by the dean of the University of~~  
22 ~~Hawaii school of medicine; and~~



1       ~~(5) One representative from a school of nursing with an~~  
2           ~~advanced practice registered nurse program.~~

3       ~~The joint formulary advisory committee shall recommend the~~  
4       ~~applicable formulary for persons recognized under this section.~~

5       ~~The Hawaii medical board shall consider the recommendations of~~  
6       ~~the joint formulary advisory committee in adopting the~~

7       ~~formulary. The appropriate working relationship with licensed~~  
8       ~~physicians shall be reflected in rules adopted by the board in~~  
9       ~~accordance with chapter 91.]~~

10       The board shall establish nursing requirements for education,  
11       experience, and national certification pursuant to rules adopted  
12       in accordance with chapter 91.

13       (b) Qualified or currently recognized advanced practice  
14       registered nurses shall be considered qualified if they meet the  
15       requirements of section 457-8.5(a) and the advanced pharmacology  
16       requirements for the initial prescriptive authority as  
17       designated by the board's rules. Only qualified advanced  
18       practice registered nurses shall be authorized to diagnose,  
19       prescribe, and institute therapy or referrals of patients to  
20       health care agencies, health care providers, and community  
21       resources and may:



- 1        (1) Prescribe, procure, administer, and dispense over the
- 2                counter, legend, and controlled substances;
- 3        (2) Prescribe, order, and dispense medical devices and
- 4                equipment; and
- 5        (3) Plan and initiate a therapeutic regimen that includes
- 6                nutritional, diagnostic, and supportive services,
- 7                including home health care, hospice, and physical and
- 8                occupational therapy."

9            SECTION 9. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 10. This Act shall take effect on July 1, 2020.



**Report Title:**

Health Care; Advanced Practice Registered Nurse; Primary Care  
Provider; Prescriptive Authority

**Description:**

Requires insurers, mutual and fraternal benefit societies, and health maintenance organizations to recognize advanced practice registered nurses as participating providers and allow recognition as primary care providers. Grants increased signature authority and prescriptive rights. Sets new standards for board recognition of advanced practice registered nurses effective 10/1/09. (HB1378 HD2)

