
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 healthcare 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, to permit advanced practice

1 registered nurses to sign documents relating to health care for
2 their patients, to clarify educational and other requirements
3 for advanced practice registered nurses, and to update the
4 authority for advanced practice registered nurses to write
5 prescriptions including for controlled substance, 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, as participating providers and
16 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 for
20 identical services rendered by another health care provider.
21 "Participating advanced practice registered nurses" are defined

1 as advanced practice registered nurses who have contracted with
2 the insurer to provide healthcare services to its insureds.

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 on any publicly available list of participating primary
9 care providers. The insurer retains the right to determine the
10 contracting criteria for a participating primary care provider."

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

14 **"§432:1- Primary care provider; advanced practice**
15 **registered nurse.** (a) Each policy of insurance delivered or
16 issued for delivery in this State by a mutual benefit society
17 shall recognize advanced practice registered nurses, as defined
18 under section 457-8.5, as participating providers and shall
19 include coverage for care provided by participating advanced
20 practice registered nurses practicing within the scope of their
21 licenses for purposes of health maintenance, diagnosis or
22 treatment to the extent that the policy provides benefits for

1 identical services rendered by another health care provider.
2 "Participating advanced practice registered nurses" are defined
3 as advanced practice registered nurses who have contracted with
4 the insurer to provide healthcare services to its insureds.

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

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

16 **"§432:2- Primary care provider; advanced practice**
17 **registered nurse.** (a) Each policy of insurance delivered or
18 issued for delivery in this State by a fraternal benefit society
19 shall recognize advanced practice registered nurses, as defined
20 under section 457-8.5, as participating providers and shall
21 include coverage for care provided by participating advanced
22 practice registered nurses practicing within the scope of their

1 licenses for purposes of health maintenance, diagnosis or
2 treatment to the extent that the policy provides benefits for
3 identical services rendered by another health care provider.
4 "Participating advanced practice registered nurses" are defined
5 as advanced practice registered nurses who have contracted with
6 the insurer to provide healthcare services to its insureds.

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 on any publicly available list of participating primary
13 care providers. The insurer retains the right to determine the
14 contracting criteria for a participating primary care provider."

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

18 **"§432D- Primary care provider; advanced practice**
19 **registered nurse.** (a) Each policy of insurance delivered or
20 issued for delivery in this State by a health maintenance
21 organization shall recognize advanced practice registered
22 nurses, as defined under section 457-8.5, as participating

1 providers and shall include coverage for care provided by
2 participating advanced practice registered nurses practicing
3 within the scope of their licenses for purposes of health
4 maintenance, diagnosis or treatment to the extent that the
5 policy provides benefits for identical services rendered by
6 another health care provider. "Participating advanced practice
7 registered nurses" are defined as advanced practice registered
8 nurses who have contracted with the insurer to provide
9 healthcare services to its insureds.

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

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

21 "§457- **Global signature authority.** (a) Notwithstanding
22 any law to the contrary, advanced practice registered nurses

1 shall be authorized to sign, certify, or endorse all documents
2 relating to health care within their scope of practice provided
3 for their patients, including but not limited to workers'
4 compensation verification documents, verification and evaluation
5 forms of the department of human services, verification and
6 evaluation forms of the department of education, verification
7 and authorization forms from the department of health, and
8 physical examination forms; provided that nothing in this
9 section shall be construed to expand the scope of practice of
10 advanced practice registered nurses.

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

14 SECTION 7. Section 457-8.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§457-8.5 Advanced practice registered nurse;**
17 **qualifications; recognition; endorsement; fees; eligibility.**

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

21 (1) A current, unencumbered license as a registered nurse
22 in this State;

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

4 (3) An unencumbered recognition as an advanced practice
5 registered nurse or similar designation in all other
6 states in which the nurse has a current and active
7 recognition as an advanced practice registered nurse;

8 ~~[(4) A master's degree in nursing as specified in rules
9 adopted by the board or a current certification for
10 specialized and advanced nursing practice from a
11 national certifying body recognized by the board;
12 provided that certified nurse midwives shall maintain
13 current certification from a national certifying body
14 recognized by the board; and~~

15 ~~-(5)]~~ (4) An accredited graduate-level education program
16 leading to a master's degree as a certified registered
17 nurse anesthetist, a nurse midwife, a clinical nurse
18 specialist, or a nurse practitioner;

19 (5) A current, unencumbered certification of having passed
20 a national certification examination that measures
21 role and population-focused competencies and is
22 recognized by the board;

- 1 (6) Maintained continued competencies through
2 recertification in role and population competencies
3 through a national certification program recognized by
4 the board;
- 5 (7) Acquired advanced clinical knowledge and skills
6 preparing the nurse to provide direct care to patients
7 through a significant educational and practical
8 concentration on the direct care of patients;
- 9 (8) Demonstrated a greater breadth of knowledge, a greater
10 synthesis of data, greater complexity of skills and
11 interventions, and greater role autonomy than
12 demonstrated by a registered nurse;
- 13 (9) Been educationally prepared to assume responsibility
14 and accountability for health promotion and
15 maintenance and to assess, diagnose, and manage
16 patient problems through the use and prescription of
17 pharmacologic and non-pharmacologic interventions;
- 18 (10) Acquired clinical experience of sufficient depth and
19 breadth to reflect the intended license; and
- 20 (11) Paid the appropriate fees.
- 21 (b) ~~[The board shall require certified nurse midwives to~~
22 ~~meet the requirements of subsection (a) in order to obtain~~

1 ~~recognition and maintain recognition as advanced practice~~
2 ~~registered nurses.]~~ Any person recognized as an advanced
3 practice registered nurse prior to October 1, 2009 whose
4 recognition was granted based on a master's degree in nursing or
5 a current certification for specialized and advanced nursing
6 practice from a national certifying body recognized by the board
7 shall be eligible to renew that recognition as an advanced
8 practice registered nurse; provided that all nurse licenses,
9 recognitions and prescriptive authorities or similar
10 designations held by the person in any jurisdiction are
11 unencumbered.

12 (c) Any person applying for advanced practice registered
13 nurse recognition by endorsement shall be granted recognition as
14 an advanced practice registered nurse provided that:

15 (1) The person applying is licensed as a registered nurse
16 in this State; and

17 (2) All nurse licenses, recognitions and prescriptive
18 authorities or similar designations held by the person
19 under the laws of this State, another state, or a
20 United States territory are unencumbered and if the
21 originating state's requirements were equal to or
22 greater than the board's advanced practice registered

1 nurse requirements which were in effect prior to
2 October 1, 2009. The advanced practice registered
3 nurse shall be eligible to renew that recognition as
4 an advanced practice registered nurse; provided that
5 all nurse licenses, recognitions and prescriptive
6 authorities or similar designations held by the person
7 in this State, another state, or a United States
8 territory are unencumbered.

9 (d) Only a person who has a current, unencumbered
10 recognition from the board to practice as an advanced practice
11 registered nurse shall use the title "Advanced Practice
12 Registered Nurse" and the abbreviation "A.P.R.N.". No other
13 person shall assume the title "nurse" or in any manner imply that
14 the person is a nurse except as defined in section 457-2 or as
15 provided in sections 457-7 and 457-8 or use the abbreviation
16 "A.P.R.N." or any other words, letter, sign, or device to
17 indicate that the person using the same is an advanced practice
18 registered nurse. Nothing in this section shall preclude a
19 registered nurse who is not recognized by the board as an
20 advanced practice registered nurse and who is currently
21 certified by a national certifying body recognized by the board
22 from using another title designated by certification."

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

3 **"§457-8.6 Prescriptive authority for advanced practice**
4 **registered nurses.** (a) The board shall grant prescriptive
5 authority to qualified advanced practice registered nurses and
6 shall designate the requirements for advanced nursing practice
7 related to prescriptive authority. [~~The Hawaii medical board~~
8 ~~shall submit an annual report of all amendments made to the~~
9 ~~formularies to the board.] The board shall determine the
10 exclusionary formulary for qualified advanced practice
11 registered nurses who are granted prescriptive authority.~~

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 University of Hawaii John A.
21 Burns school of medicine appointed by the dean of the

1 University of Hawaii John A. Burns school of medicine;
2 and

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

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

7 The [~~Hawaii medical~~] board shall consider the recommendations of
8 the joint formulary advisory committee in adopting the
9 formulary. The appropriate working relationship with licensed
10 physicians shall be reflected in rules adopted by the board in
11 accordance with chapter 91.

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

15 (d) Advanced practice registered nurses shall be
16 considered qualified if they have met the requirements of
17 section 457-8.5, and have met the advanced pharmacology
18 requirements for initial prescriptive authority pursuant to
19 rules adopted by the board. Only qualified advanced practice
20 registered nurses authorized to diagnose, prescribe, and
21 institute therapy or referrals of patients to health care
22 agencies, health care providers, and community resources and,

1 only as appropriate to the practice specialty in which the
2 advanced practice nurse is qualified, may:

3 (1) Prescribe, procure, administer, and dispense over the
4 counter, legend, and controlled substances;

5 (2) Prescribe, order, and dispense medical devices and
6 equipment; and

7 (3) Plan and initiate a therapeutic regimen that includes
8 nutritional, diagnostic, and supportive services
9 including home health care, hospice, and physical and
10 occupational therapy."

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

13 SECTION 10. This Act shall take effect upon approval.

Report Title:

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

Description:

Requires insurers, mutual and fraternal benefit societies, and health maintenance organizations to recognize advanced practice registered nurses as primary care providers. Provides for licensure by endorsement. Grants global signature authority and prescriptive rights. Amends definition of advanced practice registered nurse. (SD1)