

JAN 20 2010

A BILL FOR AN ACT

RELATING TO THE PRACTICE OF NURSING.

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

1 SECTION 1. The legislature finds that it is in the
2 interest of the public health, safety, and welfare of the
3 citizens of the State that the practice of nursing be subject to
4 regulation and controls to assure that nurses at all levels are
5 qualified and competent and that only qualified persons are
6 permitted to engage in the practice of nursing. The legislature
7 further finds that the practice of nursing, as defined in this
8 Act, merits the confidence of the public. The legislature
9 recognizes that the practice of nursing is continually evolving
10 in response to changes within the health care system.

11 SECTION 2. Chapter 457, Hawaii Revised Statutes, is
12 amended by adding six new sections to be appropriately
13 designated and to read as follows:

14 "§457- Practice of nursing. (a) Nursing is a
15 scientific process founded on a body of professional knowledge.
16 It is a learned profession based on an understanding of the
17 human condition across the lifespan of a client and the
18 relationship of a client with others and within the environment.



1 It is also an art dedicated to caring for others. The practice
2 of nursing means assisting clients in attaining or maintaining
3 optimal health, implementing a strategy of care to accomplish
4 defined goals within the context of a client-centered health
5 care plan, and evaluating responses to nursing care and
6 treatment. Nursing is a dynamic discipline that is continually
7 evolving to include more sophisticated knowledge, technologies,
8 and client care activities. Evidence-based practice should be
9 applied to the practice domain to promote optimal client
10 outcomes.

11 (b) The scope of nursing practices established in this
12 chapter and by the rules of the board shall serve as general
13 guidelines and are not intended to address the appropriateness
14 of the use of specific procedures in any particular work setting
15 or to grant permission to implement specific procedures in any
16 particular work setting.

17 §457- Application of National Council of State Boards of
18 Nursing Model Nursing Practice Act and Model Nursing

19 Administrative Rules. (a) In accordance with chapter 91, the
20 board shall adopt the provisions of the NCSBN Model Nursing
21 Practice Act and Model Nursing Administrative Rules relating to
22 the scope and standards of nursing practice for registered



1 nurses, licensed practical nurses, and advanced practice
2 registered nurses and shall adopt any subsequent modifications
3 adopted by the Delegate Assembly of the NCSBN; provided that the
4 board shall not be required to adopt rules or provisions that
5 the board finds are inappropriate or inapplicable.

6 (b) If the board finds that any rule or provision of the
7 NCSBN is inappropriate or inapplicable, the board shall state
8 clearly in the record of the board's proceedings the board's
9 rationale for rejecting or modifying the NCSBN's model rules.

10 (c) The NCSBN shall have no legal authority over the board
11 and shall have no legal authority or powers of oversight of the
12 board in the exercise of its powers and duties authorized by
13 law.

14 §457- Registered nurse. Practice as a registered nurse
15 means the full scope of nursing, regardless of compensation or
16 personal profit, that incorporates caring for all clients in all
17 settings and is guided by the scope of practice authorized by
18 this chapter, the rules of the board, and nursing standards
19 established or recognized by the board including but not limited
20 to:



1 (1) National Council of State Boards of Nursing Model
2 Nursing Practice Act, Article II, Scope of Nursing
3 Practice, Section 2; and
4 (2) National Council of State Boards of Nursing Model
5 Nursing Administrative Rules, Chapter Two, Standards
6 of Nursing Practice, Sections 2.2.2 through 2.2.6;
7 provided that NCSBN shall have no legal authority over the board
8 and shall have no legal authority or powers of oversight of the
9 board in the exercise of its powers and duties authorized by
10 law.

11 §457- Licensed practical nurse. Practice as a licensed
12 practical nurse means the directed scope of nursing practice,
13 regardless of compensation or personal profit, that takes place
14 under the direction of a registered nurse, advanced practice
15 registered nurse, licensed physician, or other health care
16 provider authorized by the State, and is guided by the scope of
17 practice authorized by this chapter, the rules of the board, and
18 nursing standards established or recognized by the board
19 including but not limited to:

20 (1) National Council of State Boards of Nursing Model
21 Nursing Practice Act, Article II, Scope of Nursing
22 Practice, Section 3; and



1 (2) National Council of State Boards of Nursing Model
2 Nursing Administrative Rules, Chapter Two, Standards
3 of Nursing Practice, Sections 2.3.1 through 2.3.3;
4 provided that NCSBN shall have no legal authority over the board
5 and shall have no legal authority or powers of oversight of the
6 board in the exercise of its powers and duties authorized by
7 law.

8 §457- Advanced practice registered nurse. (a) Practice
9 as an advanced practice registered nurse means the scope of
10 nursing in a category approved by the board, regardless of
11 compensation or personal profit, and includes the registered
12 nurse scope of practice. The scope of an advanced practice
13 registered nurse includes but is not limited to advanced
14 assessment and the diagnosis, prescription, selection,
15 administration, and dispensation of therapeutic measures
16 including over the counter drugs, legend drugs, and controlled
17 substances within the advanced practice registered nurse's role
18 and specialty-appropriate education and certification.

19 (b) The advanced practice registered nurse's scope of
20 practice supersedes the registered nurse's scope of practice.
21 Advanced practice registered nurses shall practice within
22 standards established or recognized by the board and be guided



1 by the scope of practice authorized by this chapter, the rules
2 of the board, and nursing standards established or recognized by
3 the board including but not limited to:

4 (1) National Council of State Boards of Nursing Model
5 Nursing Practice Act, Article II, Scope of Nursing
6 Practice, Section 4; and

7 (2) National Council of State Boards of Nursing Model
8 Nursing Administrative Rules, Chapter Two, Standards
9 of Nursing Practice, Section 2.4.1;

10 provided that NCSBN shall have no legal authority over the board
11 and shall have no legal authority or powers of oversight of the
12 board in the exercise of its powers and duties authorized by
13 law.

14 (c) An advanced practice registered nurse shall comply
15 with the requirements of this chapter; recognize limits of the
16 advanced practice registered nurse's knowledge and experience
17 and planning for the management of situations that exceed the
18 scope of authorized practice; and consult with or refer clients
19 to other health care providers, as appropriate.

20 §457- Delegation. (a) A registered nurse may delegate
21 nursing care tasks, functions, and activities to unlicensed
22 assistive personnel in a manner that is appropriate to the level



1 of knowledge and skill of the unlicensed assistive personnel;
2 provided that the delegation of tasks, functions, and activities
3 complies with applicable federal and state laws; and provided
4 further that the practice-pervasive functions of assessment,
5 evaluation, and nursing judgment shall not be delegated.

6 (b) The delegating nurse is responsible for individually
7 assessing the patient and the situational circumstances and for
8 ascertaining the competence of the delegatee before delegating
9 any task, function, or activity. The delegating nurse shall
10 supervise, monitor, evaluate, and follow-up on instructions to a
11 delegatee after delegating any task, function, or activity. The
12 delegatee shall assume liability for accepting the delegation
13 and for the delegatee's own actions in carrying out the
14 delegated task, function, or activity.

15 (c) When delegating a task, function, or activity, a
16 delegating nurse shall use the NCSBN delegation decision-making
17 process as a model for decision making. The delegating nurse
18 shall consider and carefully analyze:

- 19 (1) Patient needs and circumstances;
20 (2) Qualifications of the proposed delegatee;
21 (3) The nature of the delegating nurse's delegation
22 authority set forth in this chapter;



- 1 (4) The delegating nurse's personal competence in the area
- 2 of nursing relevant to the task, function, or activity
- 3 to be delegated; and
- 4 (5) The protocols contained in NCSBN documents, including
- 5 but not limited to: Five Rights of Delegation,
- 6 Delegation-Decision Making Tree, and The Continuum of
- 7 Care Framework."

8 SECTION 3. Section 457-2, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§457-2 Definitions.** (a) As used in this chapter unless
11 the content otherwise requires:

12 "Advanced practice registered nurse" means a registered
13 nurse who has met the qualifications for advanced practice
14 registered nurse set forth in this chapter and through rules of
15 the board, which shall include educational requirements.

16 "Board" means the state board of nursing.

17 "NCSBN" means the National Council of State Boards of
18 Nursing.

19 "Nurse" means a person licensed under this chapter or a
20 person who holds a license under the laws of another state or
21 territory of the United States that is equivalent to a license
22 under this chapter.



1 "Telehealth" means the use of electronic information and
2 telecommunication technologies to support long-distance clinical
3 health care, patient and professional health-related education,
4 public health and health administration, to the extent that it
5 relates to nursing.

6 "The practice of nursing as a licensed practical nurse"
7 means the performance of those acts commensurate with the
8 required educational preparation and demonstrated competency of
9 the individual, whereby the individual shall be accountable and
10 responsible to the consumer for the quality of nursing care
11 rendered. The foregoing may include, but not be limited to,
12 implementation of basic nursing procedures in the plan of care;
13 or observing and caring for individuals at all levels of the
14 health spectrum, giving counsel and acting to safeguard life and
15 health and functioning as a part of the health care team, under
16 the direction of a dentist, medical doctor or osteopath,
17 registered nurse, or podiatrist licensed in accordance with
18 chapter 448, 453, 457, or 463E; or administration of treatment
19 and medication as prescribed; or promotion of health maintenance
20 of individuals, families, or groups; or teaching and supervision
21 of auxiliary personnel.



1 "The practice of nursing as a registered nurse" means the
2 performance of professional services commensurate with the
3 educational preparation and demonstrated competency of the
4 individual having specialized knowledge, judgment, and skill
5 based on the principles of the biological, physical, behavioral,
6 and sociological sciences and nursing theory, whereby the
7 individual shall be accountable and responsible to the consumer
8 for the quality of nursing care rendered. The foregoing may
9 include, but not be limited to, observation, assessment,
10 development, implementation, and evaluation of a plan of care,
11 health counseling, supervision and teaching of other personnel,
12 and teaching of individuals, families, and groups in any stage
13 of health or illness; or administration, supervision,
14 coordination, delegation, and evaluation of nursing practice; or
15 provisions of health care to the patient in collaboration with
16 other members of the health care team as autonomous health care
17 professionals providing the nursing component of health care; or
18 utilization of reasonable judgment in carrying out prescribed
19 medical orders of a licensed dentist, medical doctor or
20 osteopath, or podiatrist licensed in accordance with chapter
21 448, 453, or 463E or the orders of an advanced practice
22 registered nurse recognized in accordance with this chapter.



1 (b) Definitions applicable to this chapter shall also
 2 include those used in the NCSBN Model Nursing Practice Act and
 3 the Model Nursing Administrative Rules unless the context
 4 otherwise requires. Where a definition in the NCSBN Model
 5 Nursing Practice Act or Model Nursing Administrative Rules
 6 conflicts with a definition in chapter 457 or 436B, the
 7 definitions contained in chapter 457 or 436B and the rules of
 8 the board shall apply."

9 SECTION 4. The Hawaii Administrative Rules, title 16,
 10 chapter 89C, shall be repealed upon the state board of nursing's
 11 adoption of rules relating to advanced practice registered nurse
 12 prescriptive authority; provided that Hawaii Administrative Rule
 13 section 16-89C-10 relating to collegial working relationship and
 14 all other references to collegial working relationship in Hawaii
 15 Administrative Rules, title 16, chapter 89C shall be repealed
 16 upon the effective date of this Act.

17 SECTION 5. New statutory material is underscored.

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

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Report Title:

Practice of Nursing; Advanced Practice Registered Nurse;
Registered Nurse; Licensed Practical Nurse

Description:

Defines the practice of nursing; directs the state board of nursing to adopt certain provisions of the NCSBN Model Nursing Practice Act and Model Nursing Administrative Rules; delineates the scope of practice for registered nurses, licensed practical nurses, and advanced practice registered nurses; repeals Hawaii Administrative Rules relating to prescriptive authority for advanced practice registered nurses.

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