
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:

20 (1) NCSBN Model Nursing Practice Act, Article II, Scope of
21 Nursing Practice, Section 2; and



1 (2) NCSBN Model Nursing Administrative Rules, Chapter Two,
2 Standards of Nursing Practice, Sections 2.2.2 through
3 2.2.6;

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- Licensed practical nurse. Practice as a licensed
9 practical nurse means the directed scope of nursing practice,
10 regardless of compensation or personal profit, that takes place
11 under the direction of a registered nurse, advanced practice
12 registered nurse, licensed physician, or other health care
13 provider authorized by the State, and is guided by the scope of
14 practice authorized by this chapter, the rules of the board, and
15 nursing standards established or recognized by the board
16 including:

17 (1) NCSBN Model Nursing Practice Act, Article II, Scope of
18 Nursing Practice, Section 3; and

19 (2) NCSBN Model Nursing Administrative Rules, Chapter Two,
20 Standards of Nursing Practice, Sections 2.3.1 through
21 2.3.3;



1 provided that NCSBN shall have no legal authority over the board
2 and shall have no legal authority or powers of oversight of the
3 board in the exercise of its powers and duties authorized by
4 law.

5 §457- Advanced practice registered nurse; scope of
6 practice. (a) Practice as an advanced practice registered
7 nurse means the scope of nursing in a category approved by the
8 board, regardless of compensation or personal profit, and
9 includes the registered nurse scope of practice. The scope of
10 an advanced practice registered nurse includes advanced
11 assessment and the diagnosis, prescription, selection, and
12 administration of therapeutic measures including over the
13 counter drugs, legend drugs, and controlled substances within
14 the advanced practice registered nurse's role and specialty-
15 appropriate education and certification.

16 (b) The advanced practice registered nurse's scope of
17 practice supersedes the registered nurse's scope of practice.
18 Advanced practice registered nurses shall practice within
19 standards established or recognized by the board and be guided
20 by the scope of practice authorized by this chapter, the rules
21 of the board, and nursing standards established or recognized by
22 the board including:



1 (1) NCSBN Model Nursing Practice Act, Article II, Scope of
2 Nursing Practice, Section 4; and

3 (2) NCSBN Model Nursing Administrative Rules, Chapter Two,
4 Standards of Nursing Practice, Section 2.4.1;

5 provided that NCSBN shall have no legal authority over the board
6 and shall have no legal authority or powers of oversight of the
7 board in the exercise of its powers and duties authorized by
8 law.

9 (c) An advanced practice registered nurse shall:

10 (1) Comply with the requirements of this chapter;

11 (2) Recognize limits of the advanced practice registered
12 nurse's knowledge and experience and planning for the
13 management of situations that exceed the scope of
14 authorized practice; and

15 (3) Consult with or refer clients to other health care
16 providers, as appropriate.

17 §457- Delegation. (a) A registered nurse may delegate
18 nursing care tasks, functions, and activities to unlicensed
19 assistive personnel in a manner that is appropriate to the level
20 of knowledge and skill of the unlicensed assistive personnel;
21 provided that the delegation of tasks, functions, and activities
22 complies with applicable federal and state laws; and provided



1 further that the practice-pervasive functions of assessment,
2 evaluation, and nursing judgment shall not be delegated.

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

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

- 16 (1) Patient needs and circumstances;
17 (2) Qualifications of the proposed delegatee;
18 (3) The nature of the delegating nurse's delegation
19 authority set forth in this chapter;
20 (4) The delegating nurse's personal competence in the area
21 of nursing relevant to the task, function, or activity
22 to be delegated; and



- 1 (5) The protocols contained in NCSEB documents, including:
2 Five Rights of Delegation, Delegation-Decision Making
3 Tree, and The Continuum of Care Framework."

4 SECTION 3. Section 329-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "advanced practice
6 registered nurse with prescriptive authority" to read as
7 follows:

8 "Advanced practice registered nurse with prescriptive
9 authority" means a person licensed under section 457-8.6 who is
10 registered under this chapter to administer or prescribe a
11 controlled substance. Under this chapter, an advanced practice
12 registered nurse with prescriptive authority shall not be
13 authorized to request, receive, or sign for professional
14 controlled substance samples."

15 SECTION 4. Section 329-121, Hawaii Revised Statutes, is
16 amended by amending the definition of "physician" to read as
17 follows:

18 "Physician" means a person [~~who is licensed~~];

19 (1) Licensed to practice medicine or osteopathic medicine
20 under chapter 453 [~~and is licensed~~];

21 (2) Licensed with authority to prescribe drugs [~~and is~~
22 registered];



- 1 (3) Registered under section 329-32 [-]; and
- 2 (4) Who possesses a valid Federal Controlled Substance
- 3 Registration.

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

7 SECTION 5. Section 457-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§457-2 Definitions. (a) As used in this chapter unless
10 the content otherwise requires:

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

15 "Board" means the state board of nursing.

16 "NCSEBN" means the National Council of State Boards of
17 Nursing.

18 "Nurse" means a person licensed under this chapter or a
19 person who holds a license under the laws of another state or
20 territory of the United States that is equivalent to a license
21 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 6. 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 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Practice of Nursing; Standards; Models; Prescriptive Authority

Description:

Defines the practice of nursing. Directs the state board of nursing to adopt certain provisions of the NCSEB 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. (HB1847 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

