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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 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 by amending subsections (a) and (b) to read as follows:

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

19 (1) A current, unencumbered license as a registered nurse  
20 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)]~~ An accredited graduate-level education program leading  
16 to a master's degree as a certified registered nurse  
17 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 SECTION 8. Section 457-8.6, Hawaii Revised Statutes, is  
13 amended to read as follows:

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

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

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

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

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

9 (4) One representative of the University of Hawaii John A.  
10 Burns school of medicine appointed by the dean of the  
11 University of Hawaii John A. Burns school of medicine;  
12 and

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

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

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

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

4        (d) Advanced practice registered nurses shall be  
5 considered qualified if they have met the requirements of  
6 section 457-8.5, and have met the advanced pharmacology  
7 requirements for initial prescriptive authority pursuant to  
8 rules adopted by the board. Only qualified advanced practice  
9 registered nurses authorized to diagnose, prescribe, and  
10 institute therapy or referrals of patients to health care  
11 agencies, health care providers, and community resources and,  
12 only as appropriate to the practice specialty in which the  
13 advanced practice nurse is qualified, may:

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

16        (2) Prescribe, order, and dispense medical devices and  
17 equipment; and

18        (3) Plan and initiate a therapeutic regimen that includes  
19 nutritional, diagnostic, and supportive services  
20 including home health care, hospice, and physical and  
21 occupational therapy."

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

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

**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 primary care providers. Grants global  
signature authority and prescriptive rights. Amends definition  
of advanced practice registered nurse. (SD2)