

JAN 20 2011

A BILL FOR AN ACT

RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES.

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

1 SECTION 1. The legislature finds that advanced practice
2 registered nurses are qualified and competent practitioners.
3 The legislature finds that the department of commerce and
4 consumer affairs requires advanced practice registered nurses to
5 pay multiple fees for deposit into the compliance resolution
6 fund. The legislature also finds that the department does not
7 require members of other professions under its authority to pay
8 comparable multiple fees into the compliance resolution fund.
9 An advanced practice registered nurse is currently required to
10 pay fees for initial issuance and each renewal of a license as a
11 registered nurse, initial issuance and each renewal of a license
12 as an advanced practice registered nurse, and initial issuance
13 and each renewal of a certificate of prescriptive authority as
14 an advanced practice registered nurse.

15 The multiple fee assessment imposed on advanced practice
16 registered nurses creates unnecessary barriers to advanced
17 practice registered nurses' licensure and practice. The
18 department of commerce and consumer affairs has not provided



1 justification for assessing advanced practice registered nurses
2 in this manner. Accordingly, the purpose of this Act is to
3 eliminate excessive fees for advanced practice registered
4 nurses.

5 SECTION 2. Section 457-8.5, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

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

- 10 (1) A current, unencumbered license as a registered nurse
11 in this 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) Completed an accredited graduate-level education
20 program leading to a master's degree as a certified
21 registered nurse anesthetist, a nurse midwife, a
22 clinical nurse specialist, or a nurse practitioner;



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- 1 (5) A current, unencumbered certification of having passed
2 a national certification examination that measures
3 role and population-focused competencies and is
4 recognized by the board;
- 5 (6) Maintained continued competencies through
6 recertification in role and population-focused
7 competencies through a national certification program
8 recognized by the board;
- 9 (7) Acquired advanced clinical knowledge and skills
10 preparing the nurse to provide direct care to patients
11 through a significant educational and practical
12 concentration on the direct care of patients;
- 13 (8) Demonstrated a greater breadth of knowledge, a greater
14 synthesis of data, greater complexity of skills and
15 interventions, and greater role autonomy than
16 demonstrated by a registered nurse;
- 17 (9) Been educationally prepared to assume responsibility
18 and accountability for health promotion and
19 maintenance and to assess, diagnose, and manage
20 patient problems through the use and prescription of
21 pharmacologic and non-pharmacologic interventions;



- 1 (10) Acquired clinical experience of sufficient depth and
- 2 breadth to reflect the intended license; and
- 3 (11) Paid the appropriate fees[-]; provided that the
- 4 appropriate fees shall consist only of fees that are
- 5 authorized under sections 457-5 and 457-7 for
- 6 registered nurses and the center for nursing fee
- 7 established by section 3 of Act 198, Session Laws of
- 8 Hawaii 2003."

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

11 **"§457-8.6 Prescriptive authority for advanced practice**
 12 **registered nurses.** (a) The board shall grant prescriptive
 13 authority to qualified advanced practice registered nurses and
 14 shall designate the requirements for advanced nursing practice
 15 related to prescriptive authority. The board shall determine
 16 the exclusionary formulary for qualified advanced practice
 17 registered nurses who are granted prescriptive authority.

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

- 20 (1) Two persons licensed as advanced practice registered
- 21 nurses and appointed by the board;



- 1 (2) Two persons licensed in medicine by the Hawaii medical
2 board and appointed by the Hawaii medical board;
- 3 (3) Three persons licensed as pharmacists and appointed by
4 the board of pharmacy;
- 5 (4) One representative of the University of Hawaii John A.
6 Burns school of medicine appointed by the dean of the
7 University of Hawaii John A. Burns school of medicine;
8 and
- 9 (5) One representative from a school of nursing with an
10 advanced practice registered nurse program.

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

13 The board shall consider the recommendations of the joint
14 formulary advisory committee in adopting the formulary. The
15 appropriate working relationship with licensed physicians shall
16 be reflected in rules adopted by the board in accordance with
17 chapter 91.

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

21 (d) Advanced practice registered nurses shall be
22 considered qualified if they have met the requirements of



1 section 457-8.5(a), and have met the advanced pharmacology
2 requirements for initial prescriptive authority pursuant to
3 rules adopted by the board. Only qualified advanced practice
4 registered nurses authorized to diagnose, prescribe, and
5 institute therapy or referrals of patients to health care
6 agencies, health care providers, and community resources and,
7 only as appropriate, to the practice specialty in which the
8 advanced practice nurse is qualified, may:

9 (1) Prescribe and administer over the counter and legend
10 drugs, and controlled substances pursuant to this
11 chapter and to chapter 329; provided that an advanced
12 practice registered nurse shall not request, receive,
13 or sign for professional controlled substance samples;

14 (2) Prescribe, order, and dispense medical devices and
15 equipment; and

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

20 (e) Notwithstanding any law to the contrary, no advanced
21 practice registered nurse shall be required to pay a fee
22 relating to the grant of prescriptive authority."



1 SECTION 4. Section 457-9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) The license of every person licensed, recognized, or
4 granted prescriptive authority shall expire on June 30 of every
5 odd-numbered year and shall be renewed biennially, except as
6 provided in this section. Biennially in each odd-numbered year,
7 the board shall make available an application for renewal of
8 license before the deadline set forth by the board to every
9 person to whom a license was issued or renewed during the
10 biennium. The applicant shall complete the application and
11 submit it to the board with a renewal fee, if applicable, and
12 all required documents on or before the deadline set by the
13 board. The applicant shall provide documents from proper
14 agencies or parties of any criminal conviction or any
15 disciplinary action taken or pending in this State or any other
16 state in the United States or any territory or possession under
17 the jurisdiction of the United States within the two years prior
18 to application for renewal of license. As part of the license
19 renewal process, each applicant shall be required to complete a
20 survey developed by the Hawaii state center for nursing as
21 deemed necessary by the Hawaii state center for nursing. Upon
22 receipt of the application and fee, if applicable, the board



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1 shall verify the accuracy of the application and issue to the
2 applicant a certificate of renewal for the biennium expiring two
3 years hence on the deadline set by the board. The renewal shall
4 render the holder thereof a legal practitioner of nursing for
5 the period stated on the renewal form."

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.
9

INTRODUCED BY:

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Report Title:

Advanced Practice Registered Nurses; Compliance Resolution Fund;
Fees; DCCA

Description:

Eliminates compliance resolution fund fees for licensure and
prescriptive authority of advanced practice registered nurses.

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