

GOV. MSG. NO. 1146

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

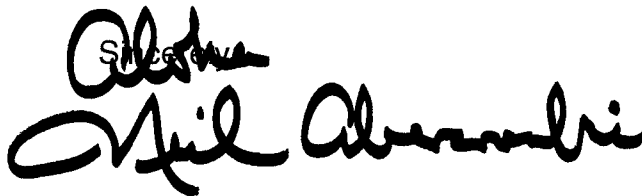
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

SB2491

RELATING TO NURSING
ACT 046 (14)



NEIL ABERCROMBIE
Governor, State of Hawaii

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

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Approved by the Governor

on APR 23 2014

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

ACT 046
S.B. NO. 2491

JAN 17 2014

A BILL FOR AN ACT

RELATING TO NURSING.

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

1 SECTION 1. Prior to the establishment of the National
2 Council of State Boards of Nursing's consensus model for
3 advanced practice registered nurse regulation, each state
4 independently determined the advanced practice registered nurse
5 legal scope of practice, recognized roles, certification
6 criteria, and certification examination. This created a
7 significant barrier for advanced practice registered nurses to
8 move from state to state and decreased access to patient care.
9 The legislature finds that the importance of advanced practice
10 registered nurses in caring for patients' current and future
11 health needs cannot be understated. Nationally, advanced
12 practice registered nurse education, accreditation,
13 certification, and licensure must align to ensure patient safety
14 and to expand access to patient care.

15 Subsequent to the establishment of the consensus model,
16 Hawaii adopted every criteria of the consensus model for
17 advanced practice registered nurse regulation except one. To
18 fully align itself with the consensus model, the legislature



1 finds that Hawaii must replace references to advanced practice
2 registered nurse recognition with advanced practice registered
3 nurse licensure, the latter of which is nationally accepted.
4 The legislature further finds that this amendment will neither
5 change the requirements to obtain or maintain advanced practice
6 registered nurse status nor affect the advanced practice
7 registered nurse scope of practice.

8 The purpose of this Act is to eliminate a barrier to
9 licensure in other state boards that question the equivalency of
10 Hawaii advanced practice registered nurse recognition to the
11 standard of advanced practice registered nurse licensure.

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

14 "§457-1 Purpose. In order to safeguard life and health,
15 any person practicing or offering to practice as an advanced
16 practice registered nurse, a registered nurse, or a licensed
17 practical nurse in this State for compensation shall be required
18 to submit evidence that the person is qualified to so practice,
19 and shall be [~~recognized or~~] licensed as provided in this
20 chapter. It shall be unlawful for any person not [~~recognized~~
21 ~~or~~] licensed under this chapter to practice or offer to practice
22 nursing as an advanced practice registered nurse, a registered



1 nurse, or a licensed practical nurse; or to use any sign, card,
2 or device, or in any manner indicate or imply that the person is
3 an advanced practice registered nurse, a registered nurse, or a
4 licensed practical nurse."

5 SECTION 3. Section 457-2, Hawaii Revised Statutes, is
6 amended by amending the definitions of "advanced practice
7 registered nurse" and "the practice of nursing as a registered
8 nurse" to read as follows:

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

14 "The practice of nursing as a registered nurse" means the
15 performance of professional services commensurate with the
16 educational preparation and demonstrated competency of the
17 individual having specialized knowledge, judgment, and skill
18 based on the principles of the biological, physical, behavioral,
19 and sociological sciences and nursing theory, whereby the
20 individual shall be accountable and responsible to the consumer
21 for the quality of nursing care rendered. The foregoing may
22 include but shall not be limited to observation, assessment,



1 development, implementation, and evaluation of a plan of care,
2 health counseling, supervision and teaching of other personnel,
3 and teaching of individuals, families, and groups in any stage
4 of health or illness; administration, supervision, coordination,
5 delegation, and evaluation of nursing practice; provision of
6 health care to the patient in collaboration with other members
7 of the health care team as autonomous health care professionals
8 providing the nursing component of health care; or use of
9 reasonable judgment in carrying out prescribed medical orders of
10 a licensed dentist, physician, osteopathic physician, or
11 podiatrist licensed in accordance with chapter 448, 453, or
12 463E; orders of an advanced practice registered nurse
13 [~~recognized~~] licensed in accordance with this chapter; or the
14 orders of a physician assistant licensed pursuant to chapter
15 453, practicing with physician supervision as required by
16 chapter 453, and acting as the agent of the supervising
17 physician."

18 SECTION 4. Section 457-3, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§457-3 State board of nursing; appointment; term of**
21 **office.** The board shall consist of nine members as follows:



1 (1) Six shall be registered nurses, one of whom shall be
2 [~~recognized~~] licensed as an advanced practice
3 registered nurse in this State;

4 (2) One shall be a licensed practical nurse; and

5 (3) Two shall be public members.

6 Both nursing education and direct providers of nursing services
7 shall be represented on the board. The term of office for
8 members of the board shall be three years. No member shall be
9 appointed to more than two consecutive terms or serve more than
10 six consecutive years. Six members of the board shall be
11 residents of the city and county of Honolulu and three shall be
12 residents of counties other than the city and county of
13 Honolulu."

14 SECTION 5. Section 457-4, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) Each advanced practice registered nurse member of the
17 board shall:

18 (1) Have current, unencumbered [~~recognition~~] licensure by
19 the board as an advanced practice registered nurse;
20 and

21 (2) Have at least five years of experience in the practice
22 of nursing as an advanced practice registered nurse



1 and at least three years of active nursing experience
2 as an advanced practice registered nurse immediately
3 preceding appointment or reappointment."

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

6 "(a) In addition to any other powers and duties authorized
7 by law, the board may:

8 (1) Adopt, amend, or repeal rules, pursuant to chapter 91,
9 not inconsistent with the law, as may be necessary to
10 enable it to carry into effect this chapter, including
11 the definition of the scope of practice of nursing and
12 the delegation of nursing tasks based upon
13 professional nursing standards, which include but are
14 not limited to the standards set forth by national
15 certifying bodies recognized by the board;

16 (2) Prescribe standards for preparing persons for
17 licensure as practical ~~[+]nurses[+or]~~, registered
18 nurses, and ~~[for recognition as]~~ advanced practice
19 registered nurses under this chapter;

20 (3) Conduct surveys of educational programs as it may deem
21 necessary and practical;

- 1 (4) Approve educational programs that meet the
2 requirements of this chapter and the rules of the
3 board;
- 4 (5) Deny or withdraw approval of educational programs for
5 failure to meet or maintain the standards prescribed
6 in this chapter;
- 7 (6) License qualified applicants by examination or
8 endorsement, [~~recognize~~] including advanced practice
9 registered nurses, and renew, reinstate, and restore
10 licenses [~~and recognitions~~];
- 11 (7) Conduct hearings upon request of a denied applicant or
12 upon charges calling for discipline of a licensee;
- 13 (8) Exercise the power to issue subpoenas, compel the
14 attendance of witnesses, and administer oaths to
15 persons giving testimony at hearings;
- 16 (9) Cause the prosecution of all persons violating this
17 chapter and incur necessary expenses therefor;
- 18 (10) Keep a record of all its proceedings;
- 19 (11) Provide consultation, conduct conferences, forums,
20 studies, and research on nursing education and
21 practice;



1 (12) Communicate with national organizations that promote
2 the improvement of the legal standards of practice of
3 nursing for the protection of public health, safety,
4 and welfare;

5 (13) Authorize the administration of examinations to
6 eligible applicants for licensure as registered nurses
7 or licensed practical nurses, or other examinations
8 required by the board as designated in its rules;

9 (14) Employ, contract, and cooperate, to the extent
10 allowable by law, with any board-approved organization
11 in the preparation and grading of an appropriate
12 nationally uniform examination; provided the board
13 shall retain sole discretion and responsibility for
14 determining the standard of successful completion of
15 such an examination. When such a national examination
16 is used, access to questions and answers shall be
17 restricted by the board; and

18 (15) Develop and adopt rules as necessary relating to the
19 practice of nursing in telehealth."

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



1 "§457-8.5 Advanced practice registered nurse;
2 **qualifications; [~~recognition,~~] licensure; endorsement; fees;**
3 **eligibility.** (a) The board shall grant [~~recognition-as~~] an
4 advanced practice registered nurse license to a nurse who has:
5 (1) A current, unencumbered license as a registered nurse
6 in this State;
7 (2) An unencumbered license as a registered nurse in all
8 other states in which the nurse has a current and
9 active license;
10 (3) An unencumbered [~~recognition~~] license as an advanced
11 practice registered nurse or similar designation in
12 all other states in which the nurse has a current and
13 active [~~recognition~~] license as an advanced practice
14 registered nurse;
15 (4) Completed an accredited graduate-level education
16 program preparing the nurse for one of the four
17 recognized advanced practice registered nurse roles;
18 (5) A current, unencumbered certification of having passed
19 a national certification examination that measures
20 role and population-focused competencies and is
21 recognized by the board;



- 1 (6) Maintained continued competencies through
2 recertification in role and population-focused
3 competencies through a national certification program
4 recognized by 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) Any person [~~recognized~~] licensed as an advanced
22 practice registered nurse prior to October 1, 2009, whose



1 ~~[recognition]~~ license was granted based on a master's degree in
2 nursing or a current certification for specialized and advanced
3 nursing practice from a national certifying body recognized by
4 the board shall be eligible to renew that ~~[recognition]~~
5 license; provided that all nurse licenses~~[, recognitions]~~ and
6 prescriptive authorities or similar designations held by the
7 person in any jurisdiction are unencumbered.

8 (c) Any person applying for advanced practice registered
9 nurse ~~[recognition]~~ licensure by endorsement shall be ~~[granted~~
10 ~~recognition]~~ licensed as an advanced practice registered nurse;
11 provided that:

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

14 (2) All nurse licenses~~[, recognitions]~~ and prescriptive
15 authorities or similar designations held by the person
16 under the laws of this State, another state, or a
17 United States territory are unencumbered, and the
18 originating state's requirements were equal to or
19 greater than the board's advanced practice registered
20 nurse requirements which were in effect prior to
21 October 1, 2009.



1 An advanced practice registered nurse shall be eligible to
2 renew the [~~recognition~~] license granted under this subsection;
3 provided that all nurse licenses [~~, recognitions,~~] and
4 prescriptive authorities or similar designations held by the
5 person in this State, another state, or a United States
6 territory are unencumbered.

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

21 SECTION 8. Section 457-9, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



1 "(a) The license of every person licensed[~~—recognized,~~]
2 or granted prescriptive authority shall expire on June 30 of
3 every odd-numbered year and shall be renewed biennially, except
4 as provided in this section. Biennially in each odd-numbered
5 year, the board shall make available an application for renewal
6 of license before the deadline set forth by the board to every
7 person to whom a license was issued or renewed during the
8 biennium. The applicant shall complete the application and
9 submit it to the board with a renewal fee and all required
10 documents on or before the deadline set by the board. The
11 applicant shall provide documents from proper agencies or
12 parties of any criminal conviction or any disciplinary action
13 taken or pending in this State or any other state in the United
14 States or any territory or possession under the jurisdiction of
15 the United States within the two years prior to application for
16 renewal of license. Upon receipt of the application and fee,
17 the board shall verify the accuracy of the application and issue
18 to the applicant a certificate of renewal for the biennium
19 expiring two years hence on the deadline set by the board. The
20 renewal shall render the holder thereof a legal practitioner of
21 nursing for the period stated on the renewal form."



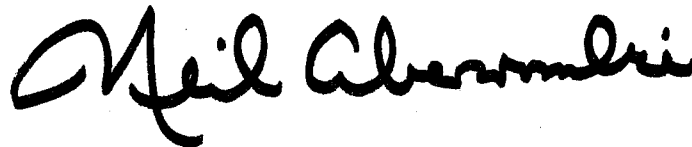
S.B. NO. 2491

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 its approval;
4 provided that the amendments made in section 3 of this Act to
5 the definition of "the practice of nursing as a registered
6 nurse" shall not be repealed when that definition is reenacted
7 on July 1, 2017, pursuant to section 5 of Act 255, Session Laws
8 of Hawaii 2012.

9

APPROVED this 23 day of APR, 2014



GOVERNOR OF THE STATE OF HAWAII