

JAN 17 2014

A BILL FOR AN ACT

RELATING TO CONTINUING COMPETENCY FOR NURSES.

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

1 SECTION 1. The legislature finds that to ensure public
2 protection, candidates for initial nurse licensure are required
3 to pass a national examination that measures the minimum
4 competencies needed to perform safely and effectively as newly
5 licensed, entry-level registered or practical nurses. In
6 today's health care environment, because technology and practice
7 are continually changing and new health care systems are
8 emerging, the challenge of licensure boards is to assure
9 consumers that nurses are competent throughout their practice
10 careers. Research shows that continuing education alone is not
11 enough to ensure competency in post-entry nurses. According to
12 the Institute of Medicine, "[A]n emerging concept ... includes
13 components of [continuing education] but has a broader focus,
14 such as teaching how to identify problems and apply solutions,
15 and allowing health professionals to tailor the learning
16 process, setting, and curriculum to their needs."

17 The legislature further finds that continuing competency
18 that ensures continued patient health and safety requires



1 lifelong learning and ongoing redefinition based on the
2 individual's experience, change in practice setting, and
3 educational advancement. Each nurse must maintain and augment
4 the necessary knowledge and skills to be current in practice. To
5 do this, each nurse needs a self-assessment tool that enables
6 the nurse to: assess and adapt to their learning needs; stretch
7 learning from the classroom to the point of care; match the need
8 for continuing education to the learning for competence; and
9 support increased personal accountability for lifelong learning
10 to ensure safe practice.

11 The legislature therefore finds that the Hawaii nurse
12 continued competency program, which contains these elements and
13 learning activity options, must be established for nurses
14 licensed in Hawaii.

15 Accordingly, the purpose of this Act is to require licensed
16 registered nurses and licensed practical nurses to submit
17 evidence of continuing competency at each renewal period,
18 beginning with the June 30, 2015, licensing biennium.

19 SECTION 2. Chapter 457, Hawaii Revised Statutes, is
20 amended by adding five new sections to be appropriately
21 designated and to read as follows:



1 "§457- Continuing competence. (a) In addition to the
2 requirements of section 457-9, upon application for license
3 renewal or reinstatement, each registered nurse and practical
4 nurse licensee shall:

5 (1) Complete a self-assessment of practice, including the
6 dimensions of professional responsibility, knowledge
7 based practice, legal/ethical practice, and
8 collaborating with others;

9 (2) Develop a plan for continued learning; and

10 (3) Select and implement a learning activity option
11 pursuant to subsection (d).

12 (b) Registered nurses licensed in this State who also
13 maintain active advanced practice registered nurse licenses in
14 accordance with this chapter shall not be required to fulfill
15 additional continuing competency requirements for registered
16 nurses under subsection (a).

17 For first-time license renewals, if the initial license was
18 issued less than twelve months prior to the renewal date, no
19 continuing competence units will be required for the first
20 renewal period. If the initial license was issued more than
21 twelve months prior to the renewal date, the licensee shall be



1 required to obtain fifteen units of approved continuing
2 competence units for the first renewal period.

3 (c) Upon application for license renewal or reinstatement,
4 each licensee shall attest to completion of one of the learning
5 activity options pursuant to subsection (d) during the two years
6 preceding the application for license renewal and shall be
7 prepared to submit evidence of completion if requested by the
8 board.

9 (d) Completion of one of the following learning activities
10 shall meet the requirements for continuing competence under
11 subsection (a):

12 (1) National certification or recertification related to
13 the nurse's practice role;

14 (2) Thirty contact hours of continuing education
15 activities;

16 (3) Completion of a board approved refresher course;

17 (4) Completion of a minimum of two semester hours of post-
18 licensure academic education related to nursing
19 practice;

20 (5) Fifteen contact hours of a continuing education
21 activity and completion of a nursing research or



- 1 evidence-based practice project as principal or co-
2 principal investigator;
- 3 (6) Fifteen contact hours of a continuing education
4 activity and authoring or coauthoring a peer reviewed
5 published nursing or health-related article, paper,
6 book, or book chapter;
- 7 (7) Fifteen contact hours of a continuing education
8 activity and developing and conducting a nursing
9 education presentation or presentations totaling a
10 minimum of five contact hours;
- 11 (8) Fifteen contact hours of a continuing education
12 activity and six hundred forty hours of active
13 practice within the previous two years; or
- 14 (9) Completion of a recognized nurse residency program.
- 15 (e) The following activities do not meet the requirements
16 for continuing competency:
- 17 (1) Offerings designed for lay persons;
18 (2) Offerings less than thirty minutes in duration;
19 (3) On-the-job orientation;
20 (4) On-the-job training related to new policies,
21 procedures, or equipment; or



1 (5) Other educational activities not sufficiently
2 professional in character to reasonably qualify as
3 continuing education.

4 (f) Acceptable documentation for completion of the
5 learning activities under subsection (d) includes the following
6 evidence:

7 (1) For national certification: a copy of a certificate
8 that includes the name of the licensee, name of the
9 certifying body, date of certification, and date of
10 certification expiration. Certification shall be
11 initially attained during the licensure period, have
12 been in effect during the entire licensure period, or
13 have been recertified during the licensure period;

14 (2) For contact hours of continuing education: the name
15 of the licensee, title of educational activity, name
16 of the provider, number of contact hours, and date of
17 activity;

18 (3) For a board approved refresher course: written
19 correspondence from the provider with the name of the
20 licensee, name of the provider, and verification of
21 successful completion of the refresher course;



- 1 (4) For post-licensure academic education: a copy of the
2 licensee's transcript with the name of the licensee,
3 name of the educational institution, dates of
4 attendance, name of course with grade, and number of
5 credit hours received. Coursework shall demonstrate
6 relevance to nursing, health, or both;
- 7 (5) For a nursing project: an abstract or summary of the
8 project, the name of the licensee, role of the
9 licensee as principal or co-principal investigator,
10 date of project completion, statement of the problem,
11 project objectives, methods used, and summary of
12 findings;
- 13 (6) For authoring or co-authoring a peer reviewed
14 published nursing-related article, paper, book, or
15 book chapter: a copy of the publication, including
16 the name of the licensee and the publication date;
- 17 (7) For developing and conducting an educational
18 presentation or presentations totaling at least five
19 contact hours for nurses or other health
20 professionals: a copy of the program brochure or
21 course syllabi, objectives, content, and teaching
22 methods, and date and location of presentation; and



1 (8) For six hundred forty hours of active practice in
2 nursing: name of the licensee, number of hours worked
3 in a calendar or fiscal year, name and address of the
4 employer, and signature of supervisor. If self-
5 employed, hours worked may be validated through other
6 methods, such as tax records or other business
7 records. If active practice is of a volunteer or
8 gratuitous nature, hours worked may be validated by
9 the recipient agency.

10 (g) Each licensee shall retain supporting documentation to
11 meet the requirements for completion of continuing competence
12 under subsection (a) for a period of four years after the course
13 or activity concludes.

14 (h) At the time of license renewal or reinstatement,
15 licensees may be subject to audit for proof of compliance with
16 the board's requirements for continuing competence.

17 (i) The board may randomly audit a licensee's continuing
18 competence units and may establish guidelines for random audits.
19 The board shall inform licensees of the licensees' selection for
20 audit upon notice of license renewal or reinstatement.

21 Documentation of acceptable evidence shall be consistent with



1 subsection (f) and shall be submitted to the board no later than
2 the last day of the renewal month.

3 (j) Unless exempted, failure of a licensee to meet
4 continuing competency requirements shall result in disciplinary
5 action in accordance with this chapter. Failure to present
6 evidence of compliance to the board upon request shall
7 constitute a forfeiture of the license.

8 **§457- Authorized providers of continuing competence**
9 **units.** (a) Continuing education may be taken in a conventional
10 classroom setting, via online courses, professional journals,
11 correspondence, or other emerging venues.

12 (b) Continuing competence units shall be obtained from the
13 following authorized providers:

14 (1) Any provider, recognized by a national credentialing
15 body, offering certification in the licensed nurse's
16 specialty area of practice, including but not limited
17 to: American Nurses Credentialing Center Commission
18 on Certification; Oncology Nursing Certification
19 Corporation; Board of Certification for Emergency
20 Nursing; National Association for Practical Nurse
21 Education and Service, Inc.; and National Commission
22 for Health Education Credentialing, Inc.;



- 1 (2) Any provider, recognized by a national credentialing
2 body, offering certification to nurse practitioners,
3 nurse midwives, nurse anesthetists, or clinical nurse
4 specialists, including but not limited to: American
5 Nurses Credentialing Center Commission on
6 Certification; American Academy of Nurse
7 Practitioners; National Certification Corporation;
8 Pediatric Nursing Certification Board; and Council on
9 Certification of Nurse Anesthetists;
- 10 (3) American Nurses Association, or any state professional
11 nurses association with standards equal or greater
12 than the State's standards;
- 13 (4) Area Health Education Centers in the State or any
14 state Area Health Education Center that is a member of
15 the National Area Health Education Center
16 Organization;
- 17 (5) National League for Nursing;
- 18 (6) National Association for Practical Nurse Education and
19 Service, Inc.;
- 20 (7) National Federation of Licensed Practical Nurses;
- 21 (8) Any state board of nursing with standards equal to or
22 greater than the State's standards;



- 1 (9) National Council of State Boards of Nursing;
- 2 (10) Employer-sponsored continuing education programs
3 having a minimum of one course objective; provided
4 that employer-sponsored continuing education may only
5 be used for up to fifty per cent of total contact
6 hours unless the program is accredited through one of
7 the authorized providers in this subsection;
- 8 (11) Any provider of professional continuing education for
9 health care professionals recognized by the board,
10 with offerings related to specialty areas of nursing
11 practice such as research, case management, health
12 policy, forensics, mental health, or complementary
13 alternative therapies offered by entities including
14 but not limited to the Commission for Case Manager
15 Certification, National Association for Healthcare
16 Quality, or American Legal Nurse Consultant
17 Certification Board;
- 18 (12) Professional journals such as American Journal of
19 Nursing, Nursing 2006, Nursing Management, Journal of
20 Practical Nursing, and The Nurse Practitioner,
21 offering continuing education approved by authorized
22 providers including but not limited to: American



1 Nurses Credentialing Center; American Association of
2 Critical-Care Nurses; and National Association for
3 Practical Nurse Education and Service, Inc.

4 **§457- Exemption from continuing competence requirements.**

5 (a) Prior to the expiration of a renewal period, a licensee may
6 submit a written request to the board for an exemption from the
7 continuing competence requirements in this chapter.

8 (b) The request for an exemption shall include evidence
9 that, during the two-year period prior to the expiration of the
10 license:

11 (1) The licensee was residing in another country for one
12 year or longer, reasonably preventing completion of
13 the continuing competence requirements;

14 (2) The licensee was ill or disabled for one year or
15 longer as documented by a licensed physician, surgeon,
16 clinical psychologist, or advanced practice registered
17 nurse, preventing completion of the continuing
18 competence requirements; or

19 (3) A dependent family member of the licensee was ill or
20 disabled for one year or longer as documented by a
21 licensed physician, surgeon, clinical psychologist, or



1 advanced practice registered nurse, preventing
2 completion of the continuing competence requirements.

3 (c) Exemptions shall be considered by the board on a case
4 by case basis. Exemptions shall not be granted unless proof,
5 deemed appropriate and sufficient by the board that the
6 applicant can practice safely, is submitted to the board.
7 Exemptions shall not be granted for more than one renewal
8 period. In the event a licensee cannot complete the continuing
9 competence requirements during the two-year period after
10 receiving an exemption, the licensee may only renew the license
11 on an inactive status.

12 (d) When a licensee is absent from the State because of
13 military service for a period of one year or longer during the
14 two-year renewal period, preventing completion of the continuing
15 competence requirement, the board may provide an exemption from
16 the continuing competence requirement for more than one renewal
17 period.

18 §457- Record keeping for continuing competence. (a)

19 Each licensee shall keep and maintain records showing that each
20 course or activity for which credit is claimed has been
21 completed.



1 (b) These records shall reflect the title of the course or
2 activity, the date taken or completed, and the record of
3 participation.

4 (c) Each licensee shall retain such documentation for a
5 period of four years after the course or activity concludes.

6 (d) Each licensee shall provide copies of such
7 documentation to the board or its designee within fourteen
8 calendar days after being requested to provide such
9 documentation.

10 **§457- Continuing competence; continuing education units;**
11 **contact hours.** (a) The following are acceptable contact hours
12 or continuing education units that fulfill the continuing
13 competence requirements of this chapter:

14 (1) One contact hour shall be equivalent to sixty minutes
15 of instruction;

16 (2) One contact hour shall be equivalent to sixty minutes
17 of clinical or laboratory practice in an informal
18 offering or a minimum of fifty minutes of actual
19 organized instruction;

20 (3) One continuing medical education unit shall be
21 equivalent to one contact hour of instruction; and



1 (4) One continuing education unit shall be equivalent to
2 ten contact hours of instruction.

3 (b) Academic credit shall be converted to contact hours as
4 follows:

5 (1) One quarter academic credit shall be equivalent to
6 twelve and a half contact hours; and

7 (2) One semester academic credit shall be equivalent to
8 fifteen contact hours.

9 (c) Contact hour equivalencies shall be as follows:

10 (1) One continuing education unit shall be equivalent to
11 ten contact hours;

12 (2) One continuing medical education credit shall be
13 equivalent to sixty minutes; and

14 (3) One American Medical Association credit shall be
15 equivalent to sixty minutes."

16 SECTION 3. Section 457-2, Hawaii Revised Statutes, is
17 amended by adding three new definitions to be appropriately
18 inserted and to read as follows:

19 "Competence" means the application of knowledge, skills,
20 and behaviors required to function effectively, safely,
21 ethically, and legally within the context of the individual's
22 role and environment.



1 "Continuing competence" means the lifelong process of
 2 maintaining and documenting competence through ongoing self-
 3 assessment, development, and implementation of a personal
 4 learning plan, and subsequent reassessment.

5 "Unit" means a relative value assigned to continuing
 6 competence activities in which one continuing competence unit is
 7 equivalent to at least fifty minutes of classroom or hands on
 8 instruction."

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval;
 11 provided that the continuing competence requirements for
 12 registered nurses and practical nurses shall take effect with
 13 the licensing biennium beginning on June 30, 2015.

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S.B. NO. 2490

Report Title:

Nurses; Registered Nurses; Practical Nurses; Continuing Competency; Licensing; Registration

Description:

Requires licensed registered nurses and licensed practical nurses to submit evidence of continuing competency at each renewal period, beginning with the June 30, 2015, licensing biennium.

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