



**GOV. MSG. NO. 1193**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 21, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

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

This is to inform you that on June 21, 2016, the following bill was signed into law:

SB2861 SD2 HD1 CD1

RELATING TO THE JOINT FORMULARY  
ADVISORY COMMITTEE  
**ACT 092 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor

JUN 21 2016

on \_\_\_\_\_  
THE SENATE  
TWENTY-EIGHTH LEGISLATURE, 2016  
STATE OF HAWAII

**ACT 092**  
**S.B. NO.**

2861  
S.D. 2  
H.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO THE JOINT FORMULARY ADVISORY COMMITTEE.

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

1       SECTION 1. The legislature finds that the joint formulary  
2 advisory committee established by the department of commerce and  
3 consumer affairs should be repealed because it is obsolete and  
4 unnecessary in recommending the applicable formulary for  
5 advanced practice registered nurses with prescriptive authority.

6       The board of nursing is the authority that determines the  
7 qualifications and scope of practice of advanced practice  
8 registered nurses with prescriptive authority, and the board is  
9 already the authority that determines the applicable formulary  
10 or exclusionary formulary for licensees under its authority. If  
11 necessary, the board of nursing may consult with other boards,  
12 such as the board of pharmacy or Hawaii medical board, on  
13 questions pertaining to prescription drugs. Other resources,  
14 such as the National Council of State Boards of Nursing, also  
15 have information on other states' nurse practice acts.

16       The purpose of this Act is to repeal the joint formulary  
17 advisory committee established by the department of commerce and  
18 consumer affairs.



1 SECTION 2. Section 457-8.6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§457-8.6 Prescriptive authority for advanced practice  
4 registered nurses. (a) The board shall grant prescriptive  
5 authority to qualified advanced practice registered nurses and  
6 shall designate the requirements for advanced nursing practice  
7 related to prescriptive authority. The board shall determine  
8 the exclusionary formulary for qualified advanced practice  
9 registered nurses who are granted prescriptive authority.

10 ~~[(b) The department of commerce and consumer affairs shall~~  
11 ~~establish a joint formulary advisory committee composed of:~~

- 12 ~~(1) Two persons licensed as advanced practice registered~~  
13 ~~nurses and appointed by the board;~~
- 14 ~~(2) Two persons licensed in medicine by the Hawaii medical~~  
15 ~~board and appointed by the Hawaii medical board;~~
- 16 ~~(3) Three persons licensed as pharmacists and appointed by~~  
17 ~~the board of pharmacy;~~
- 18 ~~(4) One representative of the University of Hawaii John A.~~  
19 ~~Burns school of medicine appointed by the dean of the~~  
20 ~~University of Hawaii John A. Burns school of medicine;~~  
21 ~~and~~



1       ~~(5) One representative from a school of nursing with an~~  
2           ~~advanced practice registered nurse program.~~

3       ~~The joint formulary advisory committee shall recommend the~~  
4       ~~applicable formulary for persons recognized under this section.~~

5       ~~The board shall consider the recommendations of the joint~~  
6       ~~formulary advisory committee in adopting the formulary.~~

7       ~~(e)]~~ (b) The board shall establish requirements for  
8       advanced practice registered nurses' education, experience, and  
9       national certification pursuant to rules adopted in accordance  
10      with chapter 91.

11      ~~[(d)]~~ (c) Advanced practice registered nurses shall be  
12      considered qualified if they have met the requirements of  
13      section 457-8.5(a), and have met the advanced pharmacology  
14      requirements for initial prescriptive authority pursuant to  
15      rules adopted by the board. Only qualified advanced practice  
16      registered nurses authorized to diagnose, prescribe, and  
17      institute therapy or referrals of patients to health care  
18      agencies, health care providers, and community resources and,  
19      only as appropriate to the practice specialty in which the  
20      advanced practice ~~[(r)]~~ registered ~~[(r)]~~ nurse is qualified, may:



- 1 (1) Prescribe and administer over the counter drugs,
- 2 legend drugs, and controlled substances pursuant to
- 3 this chapter and to chapter 329 and request, receive,
- 4 and dispense manufacturers' prepackaged samples of
- 5 over the counter and non-controlled legend drugs to
- 6 patients under their care; provided that an advanced
- 7 practice registered nurse shall not request, receive,
- 8 or sign for professional controlled substance samples;
- 9 (2) Prescribe, order, and dispense medical devices and
- 10 equipment; and
- 11 (3) Plan and initiate a therapeutic regimen that includes
- 12 nutritional, diagnostic, and supportive services
- 13 including home health care, hospice, and physical and
- 14 occupational therapy."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 21 day of JUN, 2016



GOVERNOR OF THE STATE OF HAWAII