

JAN 22 2016

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 advanced practice
2 registered nurses provide a wide variety of health care services
3 to people in Hawaii. The legislature further finds that section
4 323-3, Hawaii Revised Statutes, requires each hospital within
5 the State to allow advanced practice registered nurses to
6 practice within the full scope of their practice, including as
7 primary care providers. Advanced practice registered nurses are
8 also recognized as participating primary health care providers
9 for insurance purposes under the State's insurance code.

10 The legislature also finds that certain sections within the
11 Hawaii Revised Statutes omit advanced practice registered nurses
12 from the definitions or designations of health care entities who
13 may provide health care, prescribe drugs, or sign forms. The
14 outdated statutes must be amended to authorize increased
15 participation by advanced practice registered nurses and
16 recognize appropriately trained advanced practice registered
17 nurses as primary care providers. Authorizing increased



1 participation by advanced practice registered nurses in certain
2 circumstances, especially with regard to global signature
3 authority, will enable improved access to health care services,
4 expedite the process of processing paperwork, and provide
5 optimal care at the initial point of access for Hawaii patients,
6 especially in rural and underserved areas.

7 The purpose of this Act is to improve patient access to
8 medical care by clarifying the circumstances under which
9 advanced practice registered nurses may practice to the fullest
10 extent of their training and education.

11 SECTION 2. Section 328-1, Hawaii Revised Statutes, is
12 amended by amending the definition of "out-of-state
13 practitioner" to read as follows:

14 "Out-of-state practitioner" means a physician, surgeon,
15 osteopathic physician and surgeon, advanced practice registered
16 nurse, dentist, podiatrist, or veterinarian authorized to
17 prescribe drugs to patients under the applicable laws of any
18 state of the United States except the State of Hawaii, or a
19 physician, surgeon, osteopathic physician and surgeon, advanced
20 practice registered nurse, dentist, podiatrist, or veterinarian



1 authorized to prescribe drugs under the applicable laws of
2 Hawaii, but practicing in a state other than Hawaii."

3 SECTION 3. Section 334-59, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Emergency examination. A patient who is delivered
6 for emergency examination and treatment to a facility designated
7 by the director shall be examined by a licensed physician or
8 advanced practice registered nurse without unnecessary delay,
9 and may be given such treatment as is indicated by good medical
10 practice. A psychiatrist, advanced practice registered nurse,
11 or psychologist may further examine the patient to diagnose the
12 presence or absence of a mental disorder, assess the risk that
13 the patient may be dangerous to self or others, and assess
14 whether or not the patient needs to be hospitalized."

15 SECTION 4. Section 338-9, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) In preparing a certificate of death or fetal death
18 the person in charge of the disposition of the body shall:

19 (1) Obtain and enter on the certificate the personal data
20 and other information pertaining to the deceased



1 person required by the department from the person best
2 qualified to supply them;

3 (2) Present the certificate of death to the physician or
4 advanced practice registered nurse last in attendance
5 upon the deceased, or to the coroner's physician, who
6 shall thereupon certify the cause of death to the
7 physician's or advanced practice registered nurse's
8 best knowledge and belief, or present the certificate
9 of fetal death to the physician, advanced practice
10 registered nurse, midwife, or other person in
11 attendance at the fetal death, who shall certify the
12 fetal death and such medical data pertaining thereto
13 as can be furnished; provided that fetal deaths of
14 less than twenty-four weeks or intentional
15 terminations of pregnancy performed in accordance with
16 section 453-16 may be certified by a nurse or other
17 employee based upon the physician's records; and

18 (3) Notify immediately the appropriate local agent, if the
19 death occurred without medical attendance, or if the
20 physician or advanced practice registered nurse last
21 in attendance fails to sign the death certificate. In



1 such event the local agent shall inform the local
2 health officer, and refer the case to the local health
3 officer for immediate investigation and certification
4 of the cause of death prior to issuing a permit for
5 burial, or other disposition of the body. When the
6 local health officer is not a physician or when there
7 is no such officer, the local agent may complete the
8 certificate on the basis of information received from
9 relatives of the deceased or others having knowledge
10 of the facts.

11 If the circumstances of the case suggest that the death or
12 fetal death was caused by other than natural causes, the local
13 agent shall refer the case to the coroner for investigation and
14 certification."

15 SECTION 5. Section 338-10, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§338-10 Late determination of the cause of death.** If the
18 cause of death cannot be determined within three days, the
19 certification of its cause may be filed after the prescribed
20 period, but the attending physician, advanced practice
21 registered nurse, or coroner's physician shall notify in writing



1 the local agent of the department of health of the district in
2 which the death occurred of the reason for late filing, in order
3 that a permit for the disposition of the body may be issued.

4 As used in this section, "late" means more than three days
5 after the date of death."

6 SECTION 6. Section 386-1, Hawaii Revised Statutes, is
7 amended by amending the definition of "health care provider" to
8 read as follows:

9 "Health care provider" means a person qualified by the
10 director to render health care and service and who has a license
11 for the practice of:

- 12 (1) Medicine or osteopathy under chapter 453;
- 13 (2) Dentistry under chapter 448;
- 14 (3) Chiropractic under chapter 442;
- 15 (4) Naturopathic medicine under chapter 455;
- 16 (5) Optometry under chapter 459;
- 17 (6) Podiatry under chapter 463E; [and]
- 18 (7) Psychology under chapter 465 [-]; and
- 19 (8) Advanced practice registered nurse under chapter 457."

20 SECTION 7. Section 386-27, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) All health care providers rendering health care and
2 services under this chapter shall be qualified by the director
3 and shall remain qualified by satisfying the requirements
4 established in this section. The director shall qualify any
5 person initially who has a license for the practice of:

- 6 (1) Medicine or osteopathy under chapter 453;
- 7 (2) Dentistry under chapter 448;
- 8 (3) Chiropractic under chapter 442;
- 9 (4) Naturopathic medicine under chapter 455;
- 10 (5) Optometry under chapter 459;
- 11 (6) Podiatry under chapter 463E; [~~and~~]
- 12 (7) Psychology under chapter 465 [-]; and
- 13 (8) Advanced practice registered nurses under chapter
14 457."

15 SECTION 8. Section 457-8.6, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) Advanced practice registered nurses shall be
18 considered qualified if they have met the requirements of
19 section 457-8.5(a), and have met the advanced pharmacology
20 requirements for initial prescriptive authority pursuant to
21 rules adopted by the board. Only qualified advanced practice



1 registered nurses authorized to diagnose, prescribe, and
2 institute therapy or referrals of patients to health care
3 agencies, health care providers, and community resources and,
4 only as appropriate to the practice specialty in which the
5 advanced practice [{}registered[{} nurse is qualified, may:

6 (1) Prescribe and administer over the counter drugs,
7 legend drugs, and controlled substances pursuant to
8 this chapter and to chapter 329 and request, receive,
9 and dispense manufacturers' prepackaged samples of
10 over the counter drugs, and non-controlled legend
11 drugs to patients under their care; provided that an
12 advanced practice registered nurse shall not request,
13 receive, or sign for professional controlled substance
14 samples;

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

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



1 SECTION 9. Section 461-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "practice of pharmacy" to
3 read as follows:

4 "Practice of pharmacy" means:

5 (1) The interpretation and evaluation of prescription
6 orders; the compounding, dispensing, and labeling of
7 drugs and devices (except labeling by a manufacturer,
8 packer, or distributor of nonprescription drugs and
9 commercially legend drugs and devices); the
10 participation in drug selection and drug utilization
11 reviews; the proper and safe storage of drugs and
12 devices and the maintenance of proper records
13 therefor; the responsibility for advising when
14 necessary or where regulated, of therapeutic values,
15 content, hazards, and use of drugs and devices;

16 (2) Performing the following procedures or functions as
17 part of the care provided by and in concurrence with a
18 "health care facility" and "health care service" as
19 defined in section 323D-2, or a "pharmacy" or a
20 licensed physician[7] or a licensed advanced practice
21 registered nurse with prescriptive authority, or a



1 "managed care plan" as defined in section 432E-1, in
2 accordance with policies, procedures, or protocols
3 developed collaboratively by health professionals,
4 including physicians and surgeons, pharmacists, and
5 registered nurses, and for which a pharmacist has
6 received appropriate training required by these
7 policies, procedures, or protocols:

8 (A) Ordering or performing routine drug therapy
9 related patient assessment procedures;

10 (B) Ordering drug therapy related laboratory tests;

11 (C) Initiating emergency contraception oral drug
12 therapy in accordance with a written
13 collaborative agreement approved by the board,
14 between a licensed physician or advanced practice
15 registered nurse with prescriptive authority and
16 a pharmacist who has received appropriate
17 training that includes programs approved by the
18 American Council of Pharmaceutical Education
19 (ACPE), curriculum-based programs from an ACPE-
20 accredited college of pharmacy, state or local



1 health department programs, or programs
2 recognized by the board of pharmacy;
3 (D) Administering drugs orally, topically, by
4 intranasal delivery, or by injection, pursuant to
5 the order of the patient's licensed [physician's
6 order,] physician or advanced practice registered
7 nurse with prescriptive authority, by a
8 pharmacist having appropriate training that
9 includes programs approved by the ACPE,
10 curriculum-based programs from an ACPE-accredited
11 college of pharmacy, state or local health
12 department programs, or programs recognized by
13 the board of pharmacy;
14 (E) Administering:
15 (i) Immunizations orally, by injection, or by
16 intranasal delivery, to persons eighteen
17 years of age or older by a pharmacist having
18 appropriate training that includes programs
19 approved by the ACPE, curriculum-based
20 programs from an ACPE-accredited college of
21 pharmacy, state or local health department



1 programs, or programs recognized by the
2 board of pharmacy; and
3 (ii) Vaccines to persons between fourteen and
4 seventeen years of age pursuant to section
5 461-11.4;
6 (F) As authorized by the written instructions of a
7 licensed [~~physician's written instructions,~~]
8 physician or advanced practice registered nurse
9 with prescriptive authority, initiating or
10 adjusting the drug regimen of a patient pursuant
11 to an order or authorization made by the
12 patient's licensed physician or advanced practice
13 registered nurse with prescriptive authority and
14 related to the condition for which the patient
15 has been seen by the licensed physician[+] or
16 advanced practice registered nurse with
17 prescriptive authority; provided that the
18 pharmacist shall issue written notification to
19 the patient's licensed physician or advanced
20 practice registered nurse with prescriptive
21 authority or enter the appropriate information in



1 an electronic patient record system shared by the
 2 licensed physician[7] or advanced practice
 3 registered nurse with prescriptive authority,
 4 within twenty-four hours;

5 (G) Transmitting a valid prescription to another
 6 pharmacist for the purpose of filling or
 7 dispensing; or

8 (H) Providing consultation, information, or education
 9 to patients and health care professionals based
 10 on the pharmacist's training and for which no
 11 other licensure is required; and

12 (3) The offering or performing of those acts, services,
 13 operations, or transactions necessary in the conduct,
 14 operation, management, and control of pharmacy."

15 SECTION 10. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 11. This Act shall take effect upon its approval.

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INTRODUCED BY: Reedly H. Baker
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S.B. NO. 2672

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Report Title:

Advanced Practice Registered Nurses

Description:

Amends various statutes to clarify the role of advanced practice registered nurses with regards to their authority and participation in the health care system. Amends definitions in the statutes to conform with the duties and responsibilities of advanced practice registered nurses.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

