

JAN 27 2016

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2 advisory committee should be repealed because it is obsolete and
3 unnecessary in recommending the applicable formulary for
4 advanced practice registered nurses with prescriptive authority.

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

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

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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 nurse 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 registered nurse is qualified, may:


21 (1) Prescribe and administer over the counter drugs,
22 legend drugs, and controlled substances pursuant to

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

13 SECTION 3. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

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

16
 17 INTRODUCED BY: 

18 BY REQUEST

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Report Title:

Repeal; Joint Formulary Advisory Committee

Description:

Repeals the Joint Formulary Advisory Committee established under chapter 457, Hawaii Revised Statutes, and allows the Board of Nursing to determine the exclusionary formulary for qualified advanced practice registered nurses with prescriptive authority.

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

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE JOINT FORMULARY ADVISORY COMMITTEE.

PURPOSE: The purpose of this bill is to eliminate the Joint Formulary Advisory Committee (JFAC) established under chapter 457, Hawaii Revised Statutes, and instead allow the Board of Nursing (Board) to solely determine the exclusionary formulary for qualified advanced practice registered nurses (APRN) with prescriptive authority.

MEANS: Amend section 457-8.6, Hawaii Revised Statutes.

JUSTIFICATION: The Board determines the qualifications and scope of practice of APRNs with prescriptive authority. The JFAC is a nine-member group with the single function of recommending the applicable formulary for APRNs with prescriptive authority under chapter 457, Hawaii Revised Statutes. The JFAC's membership includes APRNs, pharmacists, and other medical industry professionals with expertise related to nursing. Although the Board is currently required to consider the JFAC's recommendations, the Board ultimately makes the final determination of the exclusionary formulary. In fact, the JFAC has not met in four years and has not made any recommendations since 2011, at which time it reviewed and considered recommendations to the formulary by the Board's Practice Committee. Given the Board's relevant expertise and current responsibilities for overseeing the practice of nursing in the State, the JFAC is obsolete, unnecessary for carrying out the single function of determining the applicable formulary, and should be eliminated. Accordingly, the Board should

continue to be the sole authority that determines the exclusionary formulary for APRNs with prescriptive authority governed by it.

Impact on the public: It is not anticipated that this bill will impact the public.

Impact on the department and other agencies: It is not anticipated that this bill will impact the department or other agencies.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: CCA-105.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.