

JAN 23 2015

A BILL FOR AN ACT

RELATING TO NURSES.

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

1 SECTION 1. The legislature finds that the requirement of
2 all candidates for an initial nurse license to pass a national
3 examination has resulted in the consistent practice of quality
4 health care services administered to the public. This
5 examination safeguards the quality of health care practices by
6 ensuring that each candidate possesses the minimum competencies
7 necessary for a newly licensed, entry-level registered or
8 practical nurse to perform their job safely and effectively.
9 Despite the clear benefits of this safeguard, continuing
10 competency requirements are not currently instituted for nurse
11 licensure renewal applications in the State.

12 The legislature also finds that in today's health care
13 environment, knowledge of the latest developments in the
14 profession is a crucial means by which nursing duties are safely
15 and effectively fulfilled. New health care systems are emerging
16 and redoubling the challenge of licensure boards to assure
17 consumers that licensed nurses shall remain competent for the



1 duration of their practice. The legislature further finds the
2 most efficient means to ensure patient safety is to require
3 Hawaii-licensed nurses to complete continuing competency
4 requirements prior to any application for license renewal,
5 restoration, or restatement.

6 Accordingly, the purpose of this Act is to require all non-
7 exempt licensed registered nurses and licensed practical nurses
8 to complete continuing competency requirements prior to the
9 submission of an application for license renewal, restoration,
10 or restatement, beginning on the licensing biennium, July 1,
11 2017.

12 SECTION 2. Chapter 457, Hawaii Revised Statutes, is
13 amended by adding two new sections to be appropriately
14 designated and to read as follows:

15 **"§457- Continuing competency requirements; exemptions.**

16 (a) Beginning July 1, 2017, with the renewal of the licensing
17 biennium, and every biennial renewal thereafter, each registered
18 nurse and practical nurse licensee shall have completed thirty
19 contact hours of learning activity options as recognized by the
20 board within the two-year period preceding the renewal date, in
21 addition to the requirements of section 457-9.



1 (b) The following nurses shall be exempt from the
2 continuing competency requirements:

3 (1) Registered nurses licensed in this State who also
4 maintain active advanced practice registered nurse
5 licenses in accordance with this chapter and have a
6 current national certification approved by the board;

7 (2) Registered nurses licensed in this State who also
8 maintain current national certification, approved by
9 the board, in their practice role; or

10 (3) A licensee who graduated or completed pre-licensure
11 requirements from an accredited nursing program
12 recognized by the board within twelve months prior to
13 the renewal date of the licensee's first license
14 renewal period.

15 If a licensee who graduated or completed pre-licensure
16 requirements from an accredited nursing program more than twelve
17 months but less than two years prior to the renewal date, the
18 registered nurse or practical nurse licensee shall be required
19 to obtain fifteen contact hours of learning activity options
20 recognized by the board from an approved provider prior to the
21 first renewal period.



1 (c) The board may extend the deadline for compliance with
2 the continuing competency requirements and shall consider each
3 case on an individual basis. Prior to the expiration of the
4 license, a nurse licensee may submit a written request for an
5 extension and any documentation requested by the board to
6 substantiate the reason for the extension of the continuing
7 competency requirements of this section, based on the following
8 circumstances:

9 (1) Illness, as certified by a physician or osteopathic
10 physician licensed under chapter 453 or advanced
11 practice registered nurse licensed under chapter 457
12 in the jurisdiction in which the licensee was treated;

13 or

14 (2) Military service under extended active duty with the
15 armed forces of the United States.

16 (d) Each licensee shall maintain copies of the licensee's
17 continuing competency records for the past four years or two
18 previous biennium.

19 (e) Upon application for license renewal, restoration or
20 reinstatement, each licensee shall have complied with and attest
21 to completion of learning activity options recognized by the



1 board pursuant to subsection (a) during the two years preceding
2 the application for license renewal, restoration or
3 reinstatement and shall be prepared to submit evidence of
4 completion if requested by the board.

5 (f) The board may conduct an audit to determine compliance
6 with the continuing competency requirement. The board shall
7 provide written notice of an audit to all licensees selected for
8 audit. Within sixty days of notification, the licensee shall
9 provide the board with documentation verifying compliance with
10 continuing competency requirements.

11 **§457- Learning activity options.** (a) The successful
12 completion of one of the following shall meet the learning
13 activity options requirements for continuing competency:

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

16 (2) Thirty contact hours of continuing education
17 activities;

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

19 (4) Completion of a minimum of two semester credits of
20 post-licensure academic education related to nursing
21 practice from an accredited nursing program;



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- 1 (5) Participation as a preceptor, for at least one nursing
2 student or employee undergoing orientation for at
3 least one hundred twenty hours, in a one-to-one
4 relationship; provided that the licensee may precept
5 more than one student or employee during the one
6 hundred twenty hours and shall be evidenced by
7 documentation of hours completed and objectives of the
8 preceptorship by the institution supervising the
9 student;
- 10 (6) Completion as principal or co-principal investigator
11 of a nursing research or evidence-based practice
12 project;
- 13 (7) Authoring or coauthoring a peer reviewed published
14 nursing or health-related article, book or book
15 chapter;
- 16 (8) Developing and conducting a nursing education
17 presentation or presentations totaling a minimum of
18 five contact units;
- 19 (9) Completion of a board-recognized nurse residency
20 program; or



1 (10) A similar type of learning activity option; provided
2 that the type of activity shall be recognized by the
3 board."

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

7 "Competency" means the ability of a nurse to integrate
8 knowledge, skills, judgment and personal attributes to practice
9 safely and ethically in the professional nursing position and in
10 accordance with the scope of nationally recognized nursing
11 practices.

12 "Contact hour" means the same as section 16-89-2, Hawaii
13 Administrative Rules.

14 "Continuing competency" means the long-term educational and
15 professional process by which an individual undertakes and
16 documents with verifiable evidence a personal learning plan that
17 encompasses a periodic self-assessment of personal strengths and
18 weaknesses as present in the individual's practice as a nurse as
19 well as a commitment to furthering the individual's professional
20 knowledge relating to the nursing field."



1 SECTION 4. Section 457-12, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) In addition to any other actions authorized by law,
4 the board shall have the power to deny, revoke, limit, or
5 suspend any license to practice nursing as a registered nurse or
6 as a licensed practical nurse applied for or issued by the board
7 in accordance with this chapter, and to fine or to otherwise
8 discipline a licensee for any cause authorized by law, including
9 but not limited to the following:

- 10 (1) Fraud or deceit in procuring or attempting to procure
11 a license to practice nursing as a registered nurse or
12 as a licensed practical nurse;
- 13 (2) Gross immorality;
- 14 (3) Unfitness or incompetence by reason of negligence,
15 habits, or other causes;
- 16 (4) Habitual intemperance, addiction to, or dependency on
17 alcohol or other habit-forming substances;
- 18 (5) Mental incompetence;
- 19 (6) Unprofessional conduct as defined by the board in
20 accordance with its own rules;



- 1 (7) Wilful or repeated violation of any of the provisions
- 2 of this chapter or any rule adopted by the board;
- 3 (8) Revocation, suspension, limitation, or other
- 4 disciplinary action by another state of a nursing
- 5 license for reasons as provided in this section;
- 6 (9) Conviction, whether by nolo contendere or otherwise,
- 7 of a penal offense substantially related to the
- 8 qualifications, functions, or duties of a nurse,
- 9 notwithstanding any statutory provision to the
- 10 contrary;
- 11 (10) Failure to report to the board any disciplinary action
- 12 taken against the licensee in another jurisdiction
- 13 within thirty days after the disciplinary action
- 14 becomes final;
- 15 (11) Submitting to or filing with the board any notice,
- 16 statement, or other document required under this
- 17 chapter, which is false or untrue or contains any
- 18 material misstatement of fact[+], including a false
- 19 attestation of compliance with continuing competency
- 20 requirements; or



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1 (12) Violation of the conditions or limitations upon which
2 any license is issued."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

6

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Report Title:

Practical Nurses; Registered Nurses; Nursing Licensure;
Continuing Competency Requirements

Description:

Beginning with the July 1, 2017, licensing biennium, requires licensed registered nurses and licensed practical nurses to submit evidence of completed continuing competency requirements prior to the renewal of the license.

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