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## 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 the doctor shortage  
2 in Hawaii, particularly on the neighbor islands, is affecting  
3 patient access to services. Advanced practice registered nurses  
4 have been filling the care gap for several years and have become  
5 indispensable care providers in their communities. However, the  
6 care gap remains for certain time-sensitive medical procedures  
7 because advanced practice registered nurses do not have the  
8 authority to perform them.

9           The purpose of this Act is to ensure women can receive  
10 timely and safe access to medical care by authorizing advanced  
11 practice registered nurses to provide abortions.

12           SECTION 2. Section 453-16, Hawaii Revised Statutes, is  
13 amended as follows:

14           1. By amending subsection (a) to read:

15           "(a) No abortion shall be performed in this State unless:

16           (1) The abortion is performed by a licensed physician or  
17           surgeon, ~~[or]~~ by a licensed osteopathic physician and



1           surgeon~~[, and]~~, or by an advanced practice registered  
2           nurse licensed pursuant to chapter 457;

3           (2) The abortion is performed in a hospital licensed by  
4           the department of health or operated by the federal  
5           government or an agency thereof, ~~[or]~~ in a clinic or  
6           physician's or osteopathic physician's office~~[, or]~~, or  
7           in the office of an advanced practice registered nurse  
8           licensed pursuant to chapter 457; and

9           (3) The abortion is performed by a licensed health care  
10           provider specified in paragraph (1) acting within the  
11           licensed health care provider's lawful scope of  
12           practice."

13           2. By amending subsections (d) and (e) to read:

14           "(d) Any person who knowingly violates subsection (a)  
15 shall be fined not more than \$1,000 ~~[or imprisoned not more than~~  
16 ~~five years, or both]~~.

17           (e) Nothing in this section shall require ~~[any hospital~~  
18 ~~or]~~ any person to participate in an abortion nor shall ~~[any~~  
19 ~~hospital or any]~~ that person be liable for a refusal~~[, or]~~;  
20 provided that the person has given prior written notice to the  
21 appropriate and responsible hospital, firm, corporation, or



1 association, if applicable, and the refusal does not cause a  
2 serious risk to another person's health or life."

3 SECTION 3. Section 457-2.7, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§457-2.7 **Advanced practice registered nurse.** (a)  
6 Practice as an advanced practice registered nurse means the  
7 scope of nursing in a category approved by the board, regardless  
8 of compensation or personal profit, and includes the registered  
9 nurse scope of practice. The scope of an advanced practice  
10 registered nurse includes but is not limited to advanced  
11 assessment; telehealth; and the diagnosis, prescription,  
12 selection, and administration of therapeutic measures including  
13 over the counter drugs, legend drugs, and controlled substances  
14 within the advanced practice registered nurse's role and  
15 specialty-appropriate education and certification.

16 (b) An advanced practice registered nurse shall be  
17 authorized to perform abortions pursuant to section 453-16;  
18 provided that nothing in this section shall be construed to  
19 expand the authorized scope of practice of any advanced practice  
20 registered nurse.



1           ~~(b)~~ (c) The advanced practice registered nurse's scope  
2 of practice supersedes the registered nurse's scope of practice.  
3 Advanced practice registered nurses shall practice within  
4 standards established or recognized by the board and be guided  
5 by the scope of practice authorized by this chapter, the rules  
6 of the board, and nursing standards established or recognized by  
7 the board including but not limited to:

8           (1) The National Council of State Boards of Nursing Model  
9           Nursing Practice Act, Article II, Scope of Nursing  
10           Practice, section 4; and

11           (2) The National Council of State Boards of Nursing Model  
12           Nursing Administrative Rules, Chapter Two, Standards  
13           of Nursing Practice, section 2.4.1;

14 provided that NCSBN shall have no legal authority over the board  
15 and shall have no legal authority or powers of oversight of the  
16 board in the exercise of its powers and duties authorized by  
17 law.

18           ~~(e)~~ (d) An advanced practice registered nurse shall  
19 comply with the requirements of this chapter; recognize limits  
20 of the advanced practice registered nurse's knowledge and  
21 experience and planning for the management of situations that



1 exceed the scope of authorized practice; and consult with or  
2 refer clients to other health care providers, as appropriate."

3 SECTION 4. The board of nursing shall adopt rules as  
4 necessary to carry out the purposes of this Act. The board of  
5 nursing may consider adopting interim rules to adjust the scope  
6 of practice of advanced practice registered nurses, if required  
7 to comply with the purposes of this Act.

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Linda L. Chizone*  
JAN 24 2019



# H.B. NO. 1434

**Report Title:**

Advanced Practice Registered nurses; Abortion; Board of Nursing

**Description:**

Authorizes advanced practice registered nurses to provide abortions. Clarifies who may refuse to perform an abortion and notice procedures for refusal. Authorizes the board of nursing to adopt interim rules.

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

