
A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1 SECTION 1. The legislature finds that Hawaii is facing a
2 health care workforce crisis that has stretched providers to
3 their limits and jeopardized access to care for many people in
4 Hawaii. These shortages impose particularly substantial burdens
5 on people living in rural areas, on islands other than Oahu, and
6 in under-served communities in Hawaii who already experience
7 significant health disparities. This shortage extends to
8 reproductive health care, which is critical for the health and
9 economic security of all of Hawaii's people.

10 The legislature further finds that a 2018 review by the
11 National Academies of Sciences, Engineering, and Medicine
12 concluded that advanced practice registered nurses are just as
13 capable of providing safe and effective abortion care as
14 physicians and surgeons, provided that the advanced practice
15 registered nurses have received proper training. Many people
16 routinely receive well-women care from advanced practice
17 registered nurses who are considered primary care providers in



1 Hawaii and are qualified to safely perform the procedure
2 contemplated by this measure.

3 The legislature further finds that Hawaii has already seen
4 the benefit of allowing qualified licensed providers, like
5 advanced practice registered nurses, to perform a wide range of
6 health care services. Advanced practice registered nurses in
7 Hawaii already provide a wide range services, from administering
8 anesthesia during surgeries to managing chronic conditions like
9 hypertension and diabetes to providing gynecologic care and
10 family planning services. Hawaii has consistently expanded what
11 services advanced practice registered nurses can provide,
12 improving access to comprehensive health care for both urban and
13 rural people of Hawaii. Since 2009, Hawaii's legislature has
14 passed twenty-two laws improving the scope of practice for
15 advanced practice registered nurses. Now, advanced practice
16 registered nurses are recognized in state policy as primary care
17 providers. They are permitted to evaluate patients, order and
18 interpret diagnostic tests, and prescribe treatments and
19 medications. Qualified licensed providers in Hawaii already
20 provide a wide range of reproductive health procedures and they
21 provide many procedures that are similar to, or more complicated



1 than, abortion, such as intrauterine device insertion and
2 endometrial biopsy.

3 The legislature further finds that restricting qualified
4 providers from providing abortion care confers no medical
5 benefit and instead harms patients by limiting access to care.

6 This purpose of this Act is to alleviate the physician
7 shortage and ensure equitable, timely, and safe access to
8 abortion care by removing the physician-only requirement and
9 allowing advanced practice registered nurses and other qualified
10 health care providers to provide early abortion care.

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

14 "§457- Advanced practice registered nurses; abortion
15 care by medication or aspiration. Notwithstanding any other law
16 to the contrary, an advanced practice registered nurse may
17 perform an abortion by medication or aspiration; provided that
18 the advanced practice registered nurse:

- 19 (1) Has prescriptive authority;
- 20 (2) Practices within the nurse's practice specialty; and



1 (3) Has a valid, unrevoked, and unsuspended license
2 obtained in accordance with this chapter."

3 SECTION 3. Section 453-16, Hawaii Revised Statutes, is
4 amended as follows:

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

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

7 (1) The abortion is performed by a licensed physician or
8 surgeon, [~~or by~~] a licensed osteopathic physician and
9 surgeon[+], an advanced practice registered nurse, or
10 a health care provider acting within the licensed
11 qualified health care provider's lawful scope of
12 activity; and

13 (2) The abortion is performed in a hospital licensed by
14 the department of health or operated by the federal
15 government or an agency thereof, [~~or~~] in a clinic, or
16 in a physician's [~~or~~], osteopathic physician's,
17 advanced practice registered nurse's, or licensed
18 qualified health care provider's office."

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



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

4 (e) Nothing in this section shall require [~~any hospital~~
 5 ~~or~~] any person to participate in an abortion nor shall [~~any~~
 6 ~~hospital or any~~] that person be liable for a refusal[-];
 7 provided that the person has given prior written notice to the
 8 appropriate and responsible hospital, firm, corporation, or
 9 association, if applicable, and the refusal does not cause a
 10 serious risk to another person's health or life."

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

13 "**§457-2.7 Advanced practice registered nurse.** (a)
 14 Practice as an advanced practice registered nurse means the
 15 scope of nursing in a category approved by the board, regardless
 16 of compensation or personal profit, and includes the registered
 17 nurse scope of practice. The scope of an advanced practice
 18 registered nurse includes but is not limited to advanced
 19 assessment; telehealth; and the diagnosis, prescription,
 20 selection, and administration of therapeutic measures including
 21 over the counter drugs, legend drugs, and controlled substances



1 within the advanced practice registered nurse's role and
2 specialty-appropriate education and certification.

3 (b) An advanced practice registered nurse may perform
4 abortions pursuant to section 453-16; provided that nothing in
5 this section shall be construed to expand the authorized scope
6 of practice of any advanced practice registered nurse.

7 [~~(b)~~] (c) The advanced practice registered nurse's scope
8 of practice supersedes the registered nurse's scope of practice.
9 Advanced practice registered nurses shall practice within
10 standards established or recognized by the board and be guided
11 by the scope of practice authorized by this chapter, the rules
12 of the board, and nursing standards established or recognized by
13 the board including but not limited to:

14 (1) The National Council of State Boards of Nursing Model
15 Nursing Practice Act, Article II, Scope of Nursing
16 Practice, section 4; and

17 (2) The National Council of State Boards of Nursing Model
18 Nursing Administrative Rules, Chapter Two, Standards
19 of Nursing Practice, section 2.4.1;

20 provided that NCSBN shall have no legal authority over the board
21 and shall have no legal authority or powers of oversight of the



1 board in the exercise of its powers and duties authorized by
2 law.

3 ~~[(e)]~~ (d) An advanced practice registered nurse shall
4 comply with the requirements of this chapter; recognize limits
5 of the advanced practice registered nurse's knowledge and
6 experience and planning for the management of situations that
7 exceed the scope of authorized practice; and consult with or
8 refer clients to other health care providers, as appropriate."

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

11 SECTION 6. This Act shall take effect upon its approval.
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H.B. NO. 2684

Report Title:

Nurses; Health Care Practitioner; Scope of Practice

Description:

Authorizes advanced practice registered nurses and other licensed qualified health care providers to perform abortions.

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