

JAN 23 2020

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# 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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INTRODUCED BY: Rosalyn H. Biker  
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[Signature]

# S.B. NO. 2984

**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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