

ACT 182

H.B. NO. 917

A Bill for an Act Relating to Nursing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Act 212, Session Laws of Hawaii 1988, is amended by amending sections 1, 2, and 3 to read as follows:

“SECTION 1. There is growing evidence that the supply of licensed nurses working in the State does not meet the present demand. As of February 1987 there were over five hundred vacancies in health care agencies throughout the State, and it had been estimated that the number of vacancies would increase to eight hundred by 1988 and nine hundred in 1989.

Serious implications arise due to the shortage of nurses in the State. Insufficient staffing together with increased patient acuity and occupancy has a detrimental effect on the quality of nursing care. Long working hours for existing nurses affect their stamina and performance. One major hospital in Hawaii has had to close a substantial number of its surgical beds due in part to a lack of nursing staff. It is expected that other hospitals will face similar closures if the nursing shortage is not corrected. To compensate for the shortage, hospitals have found it necessary to ask nurses to work overtime and to recruit short-term contract nurses from the mainland. Such actions translate to increased medical care costs but with a detrimental effect in the quality of care for the people of Hawaii. All indications are that this shortage will continue in virtually all medical care areas where nurses are needed.

Hawaii's rapidly growing population requires that something be done to alleviate Hawaii's growing nursing shortage. By 1990, the department of business and economic development projects that the resident population in our State will increase to 1,138,400 with another eleven per cent increase to 1,267,800 by the year 2000. The elderly population is also showing [a] significant growth. This group is known to utilize the health care system more than any other age group. The United States Bureau of the Census predicts that the number of frail and elderly eighty-five years and older will grow from 2.7 million in 1985 to 4.9 million in the year 2000. By then, fifty per cent of direct care in-hospital facilities will be devoted to caring for the elderly. In Hawaii, a projected total of 168,900 individuals will be sixty years and older by the year 1990. In fact, the people of the State are known to have the longest life expectancy in the country.

Recognizing this pressing nursing shortage, the legislature finds that there is a need for a program which would immediately increase the number of licensed nurses in the State. There are many graduate nurses in Hawaii working as licensed practical nurses, nurses [aids,] aides, ward clerks, doctor's secretaries, and other similar nursing related work, who have not yet passed the written examination required [for] by the commission on graduates of foreign nursing schools, or the written examination required by the state board of nursing, or both. The time demands of their occupation and other socioeconomic pressures prevent them from otherwise being able to prepare adequately for the licensing examinations. With some concerted assistance from the private sector and the State, these graduate nurses may be able to pass the written examinations and become licensed nurses. Certain hospitals in the State have indicated a willingness to assist and accommodate their qualified employees by maintaining their employment status and salary while participating in a program operated by the State to improve test taking skills and to prepare them for the nursing license examinations. These hospitals, along with state government-operated hospitals, could serve as valuable resources in the planning and development of a nursing license preparation program by the State.

The legislature therefore finds that it is desirable to establish and to test the effectiveness of a program designed to improve test taking skills of graduate nurses to enable them [successfully] to pass the required written examinations. Review and training courses are to be held for four to six months and shall commence four to six months prior to the dates that the nursing license examinations are to be offered.

The purpose of this Act is to provide for [such a pilot program to be operated by the department of health,] the continuation and expansion of the "Operation Nightingale" program being operated by the department of health, which shall include the provision of classroom facilities, books and review material, instructors, and such other equipment and personnel necessary and accessory for the program. [The effect of this program will be to offer an expeditious solution to Hawaii's nursing shortage.]

SECTION 2. Nursing license examination preparation program established. There is established within the department of health a [pilot] program to be called "Operation Nightingale". The department of health shall design[,] and operate [with the assistance of the University of Hawaii,] a review and training course to enable graduates of nursing schools to pass the written examination required for the commission on graduates of foreign nursing schools, or the written examination required by the state board of nursing, or both. The department of health shall provide or contract for the provision of review and training courses for:

- (1) Registered nurses who have not recently been employed as nurses to facilitate their return to active participation in the nursing profession;
- (2) Graduates of nursing schools preparing for the examination required by the state board of nursing; and
- (3) Graduates of foreign nursing schools preparing for the examination required by the state board of nursing and the examination required by the commission on graduates of foreign nursing schools.

The department shall provide or contract for the provision of other alternative programs that the director of health finds necessary to assist residents of the State seeking to enter the field of nursing.

The department of health shall develop or contract for the development of refresher courses and specialty programs for nurses wishing to work in shortage areas such as obstetrics, surgery, intensive care, and emergency room care.

These programs shall provide instruction to qualified individuals. Classes may be [conducted on a full time basis during daytime hours on weekdays] provided

at times the director of health finds necessary, including evenings or weekends. The duration of each course may be tailored to meet the needs of the community as well as the health care providers. Classes may be held at Leahi Hospital or at such other [site] sites as the department of health may deem appropriate.

Additionally, the department of health shall establish requirements and procedures for the selection of candidates for the [pilot] program. Candidate selection and an appeals process for candidates not selected shall be [made through] conducted by a committee [comprised] consisting of the director of health or a designated representative, the president of the University of Hawaii or a designated representative, a representative of the Hawaii nurses association, and a representative selected by the director of health from each of the [hospitals within the State.] medical facilities participating in the program. Any vacancy on the committee shall be filled in the same manner in which the original position was filled.

Members of the committee shall serve without compensation and shall be reimbursed for necessary expenses incurred in the performance of their duties.

SECTION 3. Duration of program; reporting requirement. The nursing license examination preparation [pilot] program shall operate [for two years.] through fiscal year 1990-1991. The department of health shall submit to the legislature not later than twenty days prior to the convening of the regular [session] sessions of [1989] 1990 and 1991 a report of the performance of the [pilot] program and any other matter which may be relevant.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 1989.

(Approved June 7, 1989.)