

ACT 205

H.B. NO. 658

A Bill for an Act Relating to Health.

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

SECTION 1. The legislature finds that advanced practice registered nurses fill many critical roles in the health care system alongside physicians, including practicing medicine independently, practicing as clinicians, and filling medical leadership positions. Despite advanced practice registered nurses filling a critical service gap in health care in the State, the department of health's administrative rules reserve the role of medical director exclusively for physicians.

The legislature finds that community discussion is needed to explore the feasibility of including advanced practice registered nurses in medical director roles. Numerous issues must be considered before any statutory changes are made, including ensuring that proposed statutory definitions do not infringe on the rights of health care entities to self-govern and freely determine staff qualifications; determining the appropriate nomenclature to be used when describing the practical role of medical director, as this role varies greatly depending on the size and type of facility; and researching and reconciling any compliance implications stemming from the federal Centers for Medicare and Medicaid Services and other federal regulations regarding qualifications of medical directors.

The purpose of this Act is to establish a working group to research and make recommendations to permit advanced practice registered nurses to be eligible for medical leadership positions.

SECTION 2. (a) The department of health shall establish and convene the advanced practice registered nurse medical leadership working group to research and make recommendations to permit advanced practice registered nurses to be eligible for medical leadership positions and identify any exceptions, federal regulations, or other circumstances under which eligibility for positions of medical director or medical director-analogs may be inappropriate.

(b) The advanced practice registered nurse medical leadership working group shall consist of the following members:

- (1) The director of health or the director's designee;
- (2) The director of commerce and consumer affairs or the director's designee;
- (3) The director of the Hawaii center for nursing or the director's designee;

- (4) A representative from a health care facility trade association to be appointed by the chairperson; and
- (5) Other representatives from health care or academia, as requested by the director of health.

The director of health or the director's designee shall serve as the chairperson of the working group.

(c) The advanced practice registered nurse medical leadership working group shall be exempt from part I of chapter 92, Hawaii Revised Statutes.

(d) The advanced practice registered nurse medical leadership working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2020.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 2, 2019.)