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# A BILL FOR AN ACT

RELATING TO CONTINUING COMPETENCY FOR NURSES.

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

1           SECTION 1. The legislature finds that to ensure public  
2 health, candidates for initial nurse licensure are required to  
3 pass a national examination that measures the minimum  
4 competencies needed to perform safely and effectively as newly  
5 licensed, entry-level registered or practical nurses. In  
6 today's health care environment, because technology and practice  
7 are continually changing and new health care systems are  
8 emerging, the challenge of licensure boards is to assure  
9 consumers that nurses are competent throughout their practice  
10 careers. Research shows that continuing education alone is not  
11 enough to ensure competency in post-entry nurses. According to  
12 the Institute of Medicine, "[A]n emerging concept ... includes  
13 components of [continuing education] but has a broader focus,  
14 such as teaching how to identify problems and apply solutions,  
15 and allowing health professionals to tailor the learning  
16 process, setting, and curriculum to their needs."

17           The legislature further finds that continuing competency  
18 that ensures continued patient health and safety requires



1 lifelong learning and ongoing redefinition based on the  
2 individual's experience, change in practice setting, and  
3 educational advancement. Each nurse must maintain and augment  
4 the necessary knowledge and skills to be current in practice.  
5 To do this, each nurse needs a self-assessment tool that enables  
6 the nurse to: assess and adapt to their learning needs; stretch  
7 learning from the classroom to the point of care; match the need  
8 for continuing education to the learning for competence; and  
9 support increased personal accountability for lifelong learning  
10 to ensure safe practice.

11 The legislature therefore finds that the Hawaii nurse  
12 continued competency program, which contains these elements and  
13 learning activity options, must be established for nurses  
14 licensed in Hawaii.

15 Accordingly, the purpose of this Act is to require licensed  
16 registered nurses and licensed practical nurses to submit  
17 evidence of continuing competency at each renewal period,  
18 beginning with the July 1, 2017 biennium.

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



1           "§457-       Continuing competence requirements; learning  
2 activities; audit. (a) In addition to the requirements of  
3 section 457-9, beginning on July 1, 2017, each registered nurse  
4 and practical nurse shall complete the following continuing  
5 competence requirements in the two years prior to the renewal of  
6 the nurse's license:

7           (1) Complete a board approved self-assessment of practice,  
8           including the dimensions of professional  
9           responsibility, knowledge based practice, legal and  
10           ethical practice, and collaboration with others;

11           (2) Develop a plan for continued learning; and

12           (3) Select and complete one of the following learning  
13           activity options:

14           (A) Thirty contact hours of continuing education from  
15           a board approved provider for a registered nurse  
16           or twenty contact hours of continuing education  
17           for a licensed practical nurse;

18           (B) A board approved refresher course;

19           (C) A minimum of two semester hours of post-licensure  
20           academic education from an accredited nursing  
21           program related to the practice of nursing; or



1           (D) Fifteen contact hours of board approved  
2           continuing education activity and completion of  
3           one of the following:

4           (i) A nursing research or evidence-based  
5           practice project as principal or co-  
6           principal investigator;

7           (ii) Authoring or co-authoring a peer-reviewed,  
8           published nursing or health-related article,  
9           paper, book, or book chapter;

10          (iii) Developing and conducting a nursing  
11          education presentation or presentations  
12          totaling a minimum of five contact hours;

13          (iv) Six hundred forty hours of active practice  
14          within the previous two years; or

15          (v) Completion of a board recognized nurse  
16          residency program.

17          (b) The following are exempt from the continuing  
18          competence requirements:

19          (1) Registered nurses licensed in this State who also  
20          maintain active advanced practice registered nurse  
21          licenses in accordance with this chapter and maintain  
22          a current national certification;



- 1        (2) Registered nurses licensed in this State who also  
2        maintain a current national certification for the  
3        nurses' practice role from a recognized national  
4        certifying body; and
- 5        (3) First-time nurse licensees; provided that the initial  
6        license was issued twelve months or less prior to the  
7        renewal date. First-time nurse licensees having a  
8        license initially issued more than twelve months prior  
9        to the renewal date shall not be eligible for this  
10       exemption and shall be required to complete the  
11       following for the first renewal period:
- 12       (A) Fifteen units of approved continuing education  
13       from a board approved provider if the nurse is a  
14       registered nurse; or
- 15       (B) Ten units of approved continuing education from a  
16       board approved provider if the nurse is a  
17       licensed practical nurse.
- 18       (c) The board may extend the deadline for compliance with  
19       the continuing competency requirements. Prior to the expiration  
20       of a license, a nurse licensee may submit a written request to  
21       the board for approval of an extension of the continuing



1 competency requirements. An extension may be granted on the  
2 following grounds:

3 (1) Illness, as certified by a physician or osteopathic  
4 physician licensed under chapter 453, advanced  
5 practice registered nurse licensed under this chapter,  
6 or a physician, osteopathic physician, or advanced  
7 practice registered nurse licensed in the jurisdiction  
8 in which the nurse licensee was treated;

9 (2) Extended active duty military service with the United  
10 States armed forces;

11 (3) Lack of access to continuing education courses due to  
12 the practice of nursing in geographically isolated  
13 areas; and

14 (4) Inability to undertake the continuing competency  
15 requirements due to incapacity, undue hardship, or  
16 other extenuating circumstances.

17 The board may consider requests for extensions on a case-  
18 by-case basis. Extensions shall not be granted unless proof  
19 deemed appropriate and sufficient by the board that the licensee  
20 is capable of safe practice is submitted by the licensee.

21 Licensees unable to complete continuing competency requirements



1 during the two year license renewal period and after receiving  
2 an extension shall be placed on inactive status.

3 (d) Upon application for license renewal, each licensee  
4 shall:

5 (1) Attest under oath that the licensee has completed the  
6 continuing competency requirements of this section;

7 and

8 (2) Submit sufficient proof, as determined by the board,  
9 of compliance with the board's requirements for  
10 continuing competency.

11 (e) The board may, randomly or for cause, audit a  
12 licensee's compliance with this section, including the  
13 licensee's completion of competency requirements. The board  
14 shall notify the licensee of the licensee's selection for audit.  
15 Licensees shall cooperate with all board conducted audits,  
16 including by furnishing documentation or other evidence showing  
17 the licensee's completion of competency requirements, within  
18 sixty days of the notice of audit. The board may establish  
19 guidelines for random audit and notice procedures necessary to  
20 effectuate the intent of this subsection."



1 SECTION 3. Section 457-2, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4 "Competence" means the ability of a nurse to integrate  
5 knowledge, skills, judgment, and personal attributes to practice  
6 safely and ethically in a designated role or setting in  
7 accordance with the scope of nursing practice.

8 "Continuing competence" means the lifelong process of  
9 maintaining and documenting competence through ongoing self-  
10 assessment, development, and implementation of a personal  
11 learning plan, and subsequent reassessment.

12 "Unit" means a relative value assigned to continuing  
13 competence activities in which one continuing competence unit is  
14 equivalent to at least fifty minutes of classroom or hands on  
15 instruction."

16 SECTION 4. Section 457-12, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) In addition to any other actions authorized by law,  
19 the board shall have the power to deny, revoke, limit, or  
20 suspend any license to practice nursing as a registered nurse or  
21 as a licensed practical nurse applied for or issued by the board  
22 in accordance with this chapter, and to fine or to otherwise



1 discipline a licensee for any cause authorized by law, including  
2 but not limited to the following:

- 3 (1) Fraud or deceit in procuring or attempting to procure  
4 a license to practice nursing as a registered nurse or  
5 as a licensed practical nurse;
- 6 (2) Gross immorality;
- 7 (3) Unfitness or incompetence by reason of negligence,  
8 habits, or other causes;
- 9 (4) Habitual intemperance, addiction to, or dependency on  
10 alcohol or other habit-forming substances;
- 11 (5) Mental incompetence;
- 12 (6) Unprofessional conduct as defined by the board in  
13 accordance with its own rules;
- 14 (7) Wilful or repeated violation of any of the provisions  
15 of this chapter or any rule adopted by the board;
- 16 (8) Revocation, suspension, limitation, or other  
17 disciplinary action by another state of a nursing  
18 license for reasons as provided in this section;
- 19 (9) Conviction, whether by nolo contendere or otherwise,  
20 of a penal offense substantially related to the  
21 qualifications, functions, or duties of a nurse,



- 1           notwithstanding any statutory provision to the  
2           contrary;
- 3       (10) Failure to report to the board any disciplinary action  
4           taken against the licensee in another jurisdiction  
5           within thirty days after the disciplinary action  
6           becomes final;
- 7       (11) Submitting to or filing with the board any notice,  
8           statement, or other document required under this  
9           chapter, which is false or untrue or contains any  
10          material misstatement of fact [7], including a false  
11          attestation of compliance with continuing competency  
12          requirements; or
- 13       (12) Violation of the conditions or limitations upon which  
14          any license is issued."

15       SECTION 5. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17       SECTION 6. This Act shall take effect on July 1, 2112.



**Report Title:**

Nurses; Registered Nurses; Practical Nurses; Continuing  
Competency; Licensing; Registration

**Description:**

Requires licensed registered nurses and licensed practical  
nurses to submit evidence of continuing competency at each  
renewal period, beginning on July 1, 2017. (SB2490 HD2)

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

