



GOV. MSG. NO. **519**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 24, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 24, 2010, the following bill was signed into law:

SB2163 SD2 HD1

A BILL FOR AN ACT
RELATING TO THE PRACTICE OF NURSING.
ACT 057 (10)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor
on APR 24 2010

ACT 057

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

S.B. NO. 2163
S.D. 2
H.D. 1

A BILL FOR AN ACT

RELATING TO THE PRACTICE OF NURSING.

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

1 SECTION 1. The legislature finds that it is in the
2 interest of the health, safety, and welfare of the citizens of
3 the State that the practice of nursing be subject to regulation
4 and controls to assure that nurses at all levels are qualified
5 and competent and that only qualified persons are permitted to
6 engage in the practice of nursing. The legislature further
7 finds that the practice of nursing, as defined in this Act,
8 merits the confidence of the public. The legislature recognizes
9 that the practice of nursing is continually evolving in response
10 to changes within the health care system.

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

14 "§457- Practice of nursing. (a) Nursing is a
15 scientific process founded on a body of professional knowledge.
16 It is a learned profession based on an understanding of the
17 human condition across the lifespan of a client and the
18 relationship of a client with others and within the environment.



1 It is also an art dedicated to caring for others. The practice
2 of nursing means assisting clients in attaining or maintaining
3 optimal health, implementing a strategy of care to accomplish
4 defined goals within the context of a client-centered health
5 care plan, and evaluating responses to nursing care and
6 treatment. Nursing is a dynamic discipline that is continually
7 evolving to include more sophisticated knowledge, technologies,
8 and client care activities. Nursing applies evidence-based
9 practice to promote optimal client outcomes.

10 (b) The scope of nursing practices established in this
11 chapter and by the rules of the board shall serve as general
12 guidelines and are not intended to address the appropriateness
13 of the use of specific procedures in any particular work setting
14 or to grant permission to implement specific procedures in any
15 particular work setting.

16 §457- Application of National Council of State Boards of
17 Nursing Model Nursing Practice Act and Model Nursing
18 Administrative Rules. (a) In accordance with chapter 91, the
19 board shall adopt the provisions of the NCSBN Model Nursing
20 Practice Act and Model Nursing Administrative Rules relating to
21 the scope and standards of nursing practice for registered
22 nurses, licensed practical nurses, and advanced practice



1 registered nurses and shall adopt any subsequent modifications
2 adopted by the Delegate Assembly of the NCSBN; provided that the
3 board shall not be required to adopt rules or provisions that
4 the board finds are inappropriate or inapplicable.

5 (b) If the board finds that any rule or provision of the
6 NCSBN is inappropriate or inapplicable, the board shall state
7 clearly in the record of the board's proceedings the board's
8 rationale for rejecting or modifying the NCSBN's model rules.

9 (c) The NCSBN shall have no legal authority over the board
10 and shall have no legal authority or powers of oversight of the
11 board in the exercise of its powers and duties authorized by
12 law.

13 §457- Registered nurse. Practice as a registered nurse
14 means the full scope of nursing, regardless of compensation or
15 personal profit, that incorporates caring for all clients in all
16 settings and is guided by the scope of practice authorized by
17 this chapter, the rules of the board, and nursing standards
18 established or recognized by the board including but not limited
19 to:

20 (1) The National Council of State Boards of Nursing Model
21 Nursing Practice Act, Article II, Scope of Nursing
22 Practice, Section 2; and



1 (2) The National Council of State Boards of Nursing Model
2 Nursing Administrative Rules, Chapter Two, Standards
3 of Nursing Practice, Sections 2.2.2 through 2.2.6;
4 provided that NCSBN shall have no legal authority over the board
5 and shall have no legal authority or powers of oversight of the
6 board in the exercise of its powers and duties authorized by
7 law.

8 §457- Licensed practical nurse. Practice as a licensed
9 practical nurse means the directed scope of nursing practice,
10 regardless of compensation or personal profit, that takes place
11 under the direction of a registered nurse, advanced practice
12 registered nurse, licensed physician, or other health care
13 provider authorized by the State, and is guided by the scope of
14 practice authorized by this chapter, the rules of the board, and
15 nursing standards established or recognized by the board
16 including but not limited to:

17 (1) The National Council of State Boards of Nursing Model
18 Nursing Practice Act, Article II, Scope of Nursing
19 Practice, Section 3; and

20 (2) The National Council of State Boards of Nursing Model
21 Nursing Administrative Rules, Chapter Two, Standards
22 of Nursing Practice, Sections 2.3.1 through 2.3.3;



1 provided that NCSBN shall have no legal authority over the board
2 and shall have no legal authority or powers of oversight of the
3 board in the exercise of its powers and duties authorized by
4 law.

5 §457- Advanced practice registered nurse. (a) Practice
6 as an advanced practice registered nurse means the scope of
7 nursing in a category approved by the board, regardless of
8 compensation or personal profit, and includes the registered
9 nurse scope of practice. The scope of an advanced practice
10 registered nurse includes but is not limited to advanced
11 assessment and the diagnosis, prescription, selection, and
12 administration of therapeutic measures including over the
13 counter drugs, legend drugs, and controlled substances within
14 the advanced practice registered nurse's role and specialty-
15 appropriate education and certification.

16 (b) The advanced practice registered nurse's scope of
17 practice supersedes the registered nurse's scope of practice.
18 Advanced practice registered nurses shall practice within
19 standards established or recognized by the board and be guided
20 by the scope of practice authorized by this chapter, the rules
21 of the board, and nursing standards established or recognized by
22 the board including but not limited to:



1 (1) The National Council of State Boards of Nursing Model
2 Nursing Practice Act, Article II, Scope of Nursing
3 Practice, Section 4; and

4 (2) The National Council of State Boards of Nursing Model
5 Nursing Administrative Rules, Chapter Two, Standards
6 of Nursing Practice, Section 2.4.1;

7 provided that NCSBN shall have no legal authority over the board
8 and shall have no legal authority or powers of oversight of the
9 board in the exercise of its powers and duties authorized by
10 law.

11 (c) An advanced practice registered nurse shall comply
12 with the requirements of this chapter; recognize limits of the
13 advanced practice registered nurse's knowledge and experience
14 and planning for the management of situations that exceed the
15 scope of authorized practice; and consult with or refer clients
16 to other health care providers, as appropriate.

17 §457- Delegation. (a) A registered nurse may delegate
18 nursing care tasks, functions, and activities to unlicensed
19 assistive personnel in a manner that is appropriate to the level
20 of knowledge and skill of the unlicensed assistive personnel;
21 provided that the delegation of tasks, functions, and activities
22 complies with applicable federal and state laws; and provided



1 further that the practice-pervasive functions of assessment,
2 evaluation, and nursing judgment shall not be delegated.

3 (b) The delegating nurse is responsible for individually
4 assessing the patient and the situational circumstances and for
5 ascertaining the competence of the delegatee before delegating
6 any task, function, or activity. The delegating nurse shall
7 supervise, monitor, evaluate, and follow-up on instructions to a
8 delegatee after delegating any task, function, or activity. The
9 delegatee shall assume liability for accepting the delegation
10 and for the delegatee's own actions in carrying out the
11 delegated task, function, or activity.

12 (c) When delegating a task, function, or activity, a
13 delegating nurse shall use the NCSBN delegation decision-making
14 process as a model for decision-making. The delegating nurse
15 shall consider and carefully analyze:

- 16 (1) Patient needs and circumstances;
17 (2) Qualifications of the proposed delegatee;
18 (3) The nature of the delegating nurse's delegation
19 authority set forth in this chapter;
20 (4) The delegating nurse's personal competence in the area
21 of nursing relevant to the task, function, or activity
22 to be delegated; and



1 assistant or advanced practice registered nurse with
2 prescriptive authority as described in section 453-5.3 or [~~an~~
3 ~~advanced practice registered nurse with prescriptive authority~~
4 ~~as described in section]~~ 457-8.6."

5 SECTION 5. Section 457-2, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§457-2 Definitions. (a) As used in this chapter unless
8 the content otherwise requires:

9 "Advanced practice registered nurse" means a registered
10 nurse who has met the qualifications for advanced practice
11 registered nurse set forth in this chapter and through rules of
12 the board, which shall include educational requirements.

13 "Board" means the state board of nursing.

14 "NCSBN" means the National Council of State Boards of
15 Nursing.

16 "Nurse" means a person licensed under this chapter or a
17 person who holds a license under the laws of another state or
18 territory of the United States that is equivalent to a license
19 under this chapter.

20 "Telehealth" means the use of electronic information and
21 telecommunication technologies to support long-distance clinical
22 health care, patient and professional health-related education,



1 public health and health administration, to the extent that it
2 relates to nursing.

3 "The practice of nursing as a licensed practical nurse"
4 means the performance of those acts commensurate with the
5 required educational preparation and demonstrated competency of
6 the individual, whereby the individual shall be accountable and
7 responsible to the consumer for the quality of nursing care
8 rendered. The foregoing may include, but shall not be limited
9 to[7]: implementation of basic nursing procedures in the plan of
10 care; [ex] observing and caring for individuals at all levels of
11 the health spectrum, giving counsel and acting to safeguard life
12 and health and functioning as a part of the health care team,
13 under the direction of a dentist, [~~medical doctor or osteopath,~~
14 physician, osteopathic physician, registered nurse, or
15 podiatrist licensed in accordance with chapter 448, 453, 457, or
16 463E; [ex] administration of treatment and medication as
17 prescribed; [ex] promotion of health maintenance of individuals,
18 families, or groups; or teaching and supervision of auxiliary
19 personnel.

20 "The practice of nursing as a registered nurse" means the
21 performance of professional services commensurate with the
22 educational preparation and demonstrated competency of the



1 individual having specialized knowledge, judgment, and skill
2 based on the principles of the biological, physical, behavioral,
3 and sociological sciences and nursing theory, whereby the
4 individual shall be accountable and responsible to the consumer
5 for the quality of nursing care rendered. The foregoing may
6 include ~~[7]~~ but shall not be limited to ~~[7]~~ observation,
7 assessment, development, implementation, and evaluation of a
8 plan of care, health counseling, supervision and teaching of
9 other personnel, and teaching of individuals, families, and
10 groups in any stage of health or illness; ~~[ex]~~ administration,
11 supervision, coordination, delegation, and evaluation of nursing
12 practice; ~~[ex provisions]~~ provision of health care to the
13 patient in collaboration with other members of the health care
14 team as autonomous health care professionals providing the
15 nursing component of health care; or ~~[utilization]~~ use of
16 reasonable judgment in carrying out prescribed medical orders of
17 a licensed dentist, ~~[medical doctor or osteopath,]~~ physician,
18 osteopathic physician, or podiatrist licensed in accordance with
19 chapter 448, 453, or 463E or the orders of an advanced practice
20 registered nurse recognized in accordance with this chapter.

21 (b) Definitions applicable to this chapter shall also
22 include those used in the NCSBN Model Nursing Practice Act and



1 the Model Nursing Administrative Rules unless the context
2 otherwise requires. Where a definition in the NCSBN Model
3 Nursing Practice Act or Model Nursing Administrative Rules
4 conflicts with a definition in chapter 457 or 436B, the
5 definitions contained in chapter 457 or 436B and the rules of
6 the board shall apply."

7 SECTION 6. Section 457-8.6, Hawaii Revised Statutes, is
8 amended by amending subsection (d) to read as follows:

9 "(d) Advanced practice registered nurses shall be
10 considered qualified if they have met the requirements of
11 section 457-8.5(a), and have met the advanced pharmacology
12 requirements for initial prescriptive authority pursuant to
13 rules adopted by the board. Only qualified advanced practice
14 registered nurses authorized to diagnose, prescribe, and
15 institute therapy or referrals of patients to health care
16 agencies, health care providers, and community resources and,
17 only as appropriate, to the practice specialty in which the
18 advanced practice nurse is qualified, may:

19 (1) Prescribe [~~procure~~] and administer [~~and dispense~~]
20 over the counter and legend drugs, and controlled
21 substances pursuant to this chapter and to chapter
22 329; provided that an advanced practice registered



- 1 nurse shall not request, receive, or sign for
- 2 professional controlled substance samples;
- 3 (2) Prescribe, order, and dispense medical devices and
- 4 equipment; and
- 5 (3) Plan and initiate a therapeutic regimen that includes
- 6 nutritional, diagnostic, and supportive services
- 7 including home health care, hospice, and physical and
- 8 occupational therapy."

9 SECTION 7. Title 16, chapter 89C, Hawaii Administrative
 10 Rules, shall be repealed upon the state board of nursing's
 11 adoption of rules relating to advanced practice registered nurse
 12 prescriptive authority; provided that section 16-89C-10, Hawaii
 13 Administrative Rules, relating to collegial working relationship
 14 and all other references to collegial working relationship in
 15 title 16, chapter 89C, Hawaii Administrative Rules, shall be
 16 repealed upon the effective date of this Act.

17 SECTION 8. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect upon its approval.

APPROVED this 24 day of APR, 2010


 GOVERNOR OF THE STATE OF HAWAII