April 23, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

SB2491  
RELATING TO NURSING  
ACT 046 (14)

NEIL ABERCROMBIE  
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO NURSING.

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

SECTION 1. Prior to the establishment of the National Council of State Boards of Nursing's consensus model for advanced practice registered nurse regulation, each state independently determined the advanced practice registered nurse legal scope of practice, recognized roles, certification criteria, and certification examination. This created a significant barrier for advanced practice registered nurses to move from state to state and decreased access to patient care. The legislature finds that the importance of advanced practice registered nurses in caring for patients' current and future health needs cannot be understated. Nationally, advanced practice registered nurse education, accreditation, certification, and licensure must align to ensure patient safety and to expand access to patient care.

Subsequent to the establishment of the consensus model, Hawaii adopted every criteria of the consensus model for advanced practice registered nurse regulation except one. To fully align itself with the consensus model, the legislature
finds that Hawaii must replace references to advanced practice registered nurse recognition with advanced practice registered nurse licensure, the latter of which is nationally accepted. The legislature further finds that this amendment will neither change the requirements to obtain or maintain advanced practice registered nurse status nor affect the advanced practice registered nurse scope of practice.

The purpose of this Act is to eliminate a barrier to licensure in other state boards that question the equivalency of Hawaii advanced practice registered nurse recognition to the standard of advanced practice registered nurse licensure.

SECTION 2. Section 457-1, Hawaii Revised Statutes, is amended to read as follows:

"§457-1 Purpose. In order to safeguard life and health, any person practicing or offering to practice as an advanced practice registered nurse, a registered nurse, or a licensed practical nurse in this State for compensation shall be required to submit evidence that the person is qualified to so practice, and shall be [recognized or] licensed as provided in this chapter. It shall be unlawful for any person not [recognized or] licensed under this chapter to practice or offer to practice nursing as an advanced practice registered nurse, a registered nurse, or a licensed practical nurse in this State for compensation."
nurse, or a licensed practical nurse; or to use any sign, card, or device, or in any manner indicate or imply that the person is an advanced practice registered nurse, a registered nurse, or a licensed practical nurse."

SECTION 3. Section 457-2, Hawaii Revised Statutes, is amended by amending the definitions of "advanced practice registered nurse" and "the practice of nursing as a registered nurse" to read as follows:

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

"The practice of nursing as a registered nurse" means the performance of professional services commensurate with the educational preparation and demonstrated competency of the individual having specialized knowledge, judgment, and skill based on the principles of the biological, physical, behavioral, and sociological sciences and nursing theory, whereby the individual shall be accountable and responsible to the consumer for the quality of nursing care rendered. The foregoing may include but shall not be limited to observation, assessment,
development, implementation, and evaluation of a plan of care, health counseling, supervision and teaching of other personnel, and teaching of individuals, families, and groups in any stage of health or illness; administration, supervision, coordination, delegation, and evaluation of nursing practice; provision of health care to the patient in collaboration with other members of the health care team as autonomous health care professionals providing the nursing component of health care; or use of reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, or podiatrist licensed in accordance with chapter 448, 453, or 463E; orders of an advanced practice registered nurse licensed in accordance with this chapter; or the orders of a physician assistant licensed pursuant to chapter 453, practicing with physician supervision as required by chapter 453, and acting as the agent of the supervising physician."

SECTION 4. Section 457-3, Hawaii Revised Statutes, is amended to read as follows:

"§457-3 State board of nursing; appointment; term of office. The board shall consist of nine members as follows:

...
(1) Six shall be registered nurses, one of whom shall be licensed as an advanced practice registered nurse in this State;

(2) One shall be a licensed practical nurse; and

(3) Two shall be public members.

Both nursing education and direct providers of nursing services shall be represented on the board. The term of office for members of the board shall be three years. No member shall be appointed to more than two consecutive terms or serve more than six consecutive years. Six members of the board shall be residents of the city and county of Honolulu and three shall be residents of counties other than the city and county of Honolulu."

SECTION 5. Section 457-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Each advanced practice registered nurse member of the board shall:

(1) Have current, unencumbered license by the board as an advanced practice registered nurse; and

(2) Have at least five years of experience in the practice of nursing as an advanced practice registered nurse
and at least three years of active nursing experience
as an advanced practice registered nurse immediately
preceding appointment or reappointment."

SECTION 6. Section 457-5, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

"(a) In addition to any other powers and duties authorized
by law, the board may:

(1) Adopt, amend, or repeal rules, pursuant to chapter 91,
not inconsistent with the law, as may be necessary to
enable it to carry into effect this chapter, including
the definition of the scope of practice of nursing and
the delegation of nursing tasks based upon
professional nursing standards, which include but are
not limited to the standards set forth by national
certifying bodies recognized by the board;

(2) Prescribe standards for preparing persons for
licensure as practical nurses, registered nurses, and advanced practice
registered nurses under this chapter;

(3) Conduct surveys of educational programs as it may deem
necessary and practical;
(4) Approve educational programs that meet the requirements of this chapter and the rules of the board;

(5) Deny or withdraw approval of educational programs for failure to meet or maintain the standards prescribed in this chapter;

(6) License qualified applicants by examination or endorsement, including advanced practice registered nurses, and renew, reinstate, and restore licenses;

(7) Conduct hearings upon request of a denied applicant or upon charges calling for discipline of a licensee;

(8) Exercise the power to issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings;

(9) Cause the prosecution of all persons violating this chapter and incur necessary expenses therefor;

(10) Keep a record of all its proceedings;

(11) Provide consultation, conduct conferences, forums, studies, and research on nursing education and practice;
(12) Communicate with national organizations that promote the improvement of the legal standards of practice of nursing for the protection of public health, safety, and welfare;

(13) Authorize the administration of examinations to eligible applicants for licensure as registered nurses or licensed practical nurses, or other examinations required by the board as designated in its rules;

(14) Employ, contract, and cooperate, to the extent allowable by law, with any board-approved organization in the preparation and grading of an appropriate nationally uniform examination; provided the board shall retain sole discretion and responsibility for determining the standard of successful completion of such an examination. When such a national examination is used, access to questions and answers shall be restricted by the board; and

(15) Develop and adopt rules as necessary relating to the practice of nursing in telehealth."

SECTION 7. Section 457-8.5, Hawaii Revised Statutes, is amended to read as follows:
§457-8.5 Advanced practice registered nurse;

qualifications; [recognition-] licensure; endorsement; fees;

eligibility. (a) The board shall grant [recognition-as] an advanced practice registered nurse license to a nurse who has:

(1) A current, unencumbered license as a registered nurse in this State;

(2) An unencumbered license as a registered nurse in all other states in which the nurse has a current and active license;

(3) An unencumbered [recognition] license as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active [recognition] license as an advanced practice registered nurse;

(4) Completed an accredited graduate-level education program preparing the nurse for one of the four recognized advanced practice registered nurse roles;

(5) A current, unencumbered certification of having passed a national certification examination that measures role and population-focused competencies and is recognized by the board;
(6) Maintained continued competencies through recertification in role and population-focused competencies through a national certification program recognized by the board;

(7) Acquired advanced clinical knowledge and skills preparing the nurse to provide direct care to patients through a significant educational and practical concentration on the direct care of patients;

(8) Demonstrated a greater breadth of knowledge, a greater synthesis of data, greater complexity of skills and interventions, and greater role autonomy than demonstrated by a registered nurse;

(9) Been educationally prepared to assume responsibility and accountability for health promotion and maintenance and to assess, diagnose, and manage patient problems through the use and prescription of pharmacologic and non-pharmacologic interventions;

(10) Acquired clinical experience of sufficient depth and breadth to reflect the intended license; and

(11) Paid the appropriate fees.

(b) Any person [recognized] licensed as an advanced practice registered nurse prior to October 1, 2009, whose
license was granted based on a master's degree in nursing or a current certification for specialized and advanced nursing practice from a national certifying body recognized by the board shall be eligible to renew that license; provided that all nurse licenses and prescriptive authorities or similar designations held by the person in any jurisdiction are unencumbered.

(c) Any person applying for advanced practice registered nurse licensure by endorsement shall be licensed as an advanced practice registered nurse; provided that:

(1) The person applying is licensed as a registered nurse in this State; and

(2) All nurse licenses and prescriptive authorities or similar designations held by the person under the laws of this State, another state, or a United States territory are unencumbered, and the originating state's requirements were equal to or greater than the board's advanced practice registered nurse requirements which were in effect prior to October 1, 2009.
An advanced practice registered nurse shall be eligible to renew the [renewal] license granted under this subsection; provided that all nurse licenses, prescriptive authorities or similar designations held by the person in this State, another state, or a United States territory are unencumbered.

(d) Only a person who has a current, unencumbered [license] from the board to practice as an advanced practice registered nurse shall use the title "Advanced Practice Registered Nurse" and the abbreviation "A.P.R.N.". No other person shall assume the title "nurse" or in any manner imply that the person is a nurse except as defined in section 457-2 or as provided in sections 457-7 and 457-8 or use the abbreviation "A.P.R.N." or any other words, letter, sign, or device to indicate that the person using the same is an advanced practice registered nurse. Nothing in this section shall preclude a registered nurse who is not [recognized] licensed by the board as an advanced practice registered nurse and who is currently certified by a national certifying body recognized by the board from using another title designated by certification."

SECTION 8. Section 457-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:
"(a) The license of every person licensed or granted prescriptive authority shall expire on June 30 of every odd-numbered year and shall be renewed biennially, except as provided in this section. Biennially in each odd-numbered year, the board shall make available an application for renewal of license before the deadline set forth by the board to every person to whom a license was issued or renewed during the biennium. The applicant shall complete the application and submit it to the board with a renewal fee and all required documents on or before the deadline set by the board. The applicant shall provide documents from proper agencies or parties of any criminal conviction or any disciplinary action taken or pending in this State or any other state in the United States or any territory or possession under the jurisdiction of the United States within the two years prior to application for renewal of license. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the biennium expiring two years hence on the deadline set by the board. The renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the renewal form."
SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval; provided that the amendments made in section 3 of this Act to the definition of "the practice of nursing as a registered nurse" shall not be repealed when that definition is reenacted on July 1, 2017, pursuant to section 5 of Act 255, Session Laws of Hawaii 2012.

APPROVED this 23 day of APR, 2014

GOVERNOR OF THE STATE OF HAWAII