



GOV. MSG. NO. 1227

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 19, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

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

This is to inform you that on June 19, 2015, the following bill was signed into law:

HB354 HD2 SD1

RELATING TO NURSES
ACT 127 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO NURSES.

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

1 SECTION 1. The legislature finds that the requirement of
2 all candidates for an initial nurse license to pass a national
3 examination has resulted in the consistent practice of quality
4 health care services administered to the public. This
5 examination safeguards the quality of health care practices by
6 ensuring that each candidate possesses the minimum competencies
7 necessary for a newly licensed, entry-level registered or
8 practical nurse to perform work safely and effectively. Despite
9 the clear benefits of this safeguard, continuing competency
10 requirements are not currently instituted for nurse licensure
11 renewal applications in the State.

12 The legislature also finds that in today's health care
13 environment, knowledge of the latest developments in the
14 profession is a crucial means by which nursing duties are safely
15 and effectively fulfilled. New health care systems are emerging
16 and redoubling the challenge of licensure boards to assure
17 consumers that licensed nurses shall remain competent for the
18 duration of their practice. The legislature further finds the



1 most efficient means to ensure patient safety is to require
2 Hawaii-licensed nurses to complete continuing competency
3 requirements prior to any application for license renewal,
4 restoration, or reinstatement.

5 Accordingly, the purpose of this Act is to require all non-
6 exempt licensed registered nurses and licensed practical nurses
7 to complete continuing competency requirements prior to the
8 submission of an application for license renewal, restoration,
9 or reinstatement, beginning on July 1, 2017.

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

13 "§457- Continuing competency requirements; exemptions;
14 extensions; records retention; audit. (a) Beginning July 1,
15 2017, with the renewal of the licensing biennium, and every
16 biennial renewal thereafter, each registered nurse and practical
17 nurse licensee shall have completed one of the learning activity
18 options recognized by the board within the two-year period
19 preceding the renewal date, in addition to the requirements of
20 section 457-9.



1 (b) The following nurses shall be exempt from the
2 continuing competency requirements:

3 (1) Registered nurses licensed in this State who also
4 maintain active advanced practice registered nurse
5 licenses in accordance with this chapter and have a
6 current national certification approved by the board;

7 (2) Registered nurses and practical nurses licensed in
8 this State who also maintain current national
9 certification, approved by the board, in their
10 practice role; or

11 (3) A licensee who graduated or completed pre-licensure
12 requirements from an accredited nursing program
13 recognized by the board within twelve months prior to
14 the renewal date of the licensee's first license
15 renewal period.

16 If a licensee graduated or completed pre-licensure
17 requirements from an accredited nursing program more than twelve
18 months but less than two years prior to the renewal date, the
19 registered nurse or practical nurse licensee shall be required
20 to obtain fifteen contact hours of continuing education, one
21 semester credit of post-licensure academic education related to



1 nursing practice from an accredited nursing program, completion
2 of a board-recognized nurse residency program, or other learning
3 activity options from an approved provider recognized by the
4 board prior to the first renewal period.

5 (c) The board may extend the deadline for compliance with
6 the continuing competency requirements and shall consider each
7 case on an individual basis. Prior to the expiration of the
8 license, a nurse licensee may submit a written request for an
9 extension and any documentation requested by the board to
10 substantiate the reason for the extension of the deadline for
11 compliance with the continuing competency requirements of this
12 section, based on the following circumstances:

- 13 (1) Illness, as certified by a physician or osteopathic
14 physician licensed under chapter 453 or advanced
15 practice registered nurse licensed under chapter 457
16 in the jurisdiction in which the licensee was treated;
17 or
18 (2) Military service under extended active duty with the
19 armed forces of the United States.



1 (d) Each licensee shall maintain copies of the licensee's
2 continuing competency records for the past four years or two
3 previous bienniums.

4 (e) Upon application for license renewal, restoration, or
5 reinstatement, each licensee shall have complied with and attest
6 to completion of one of the learning activity options recognized
7 by the board pursuant to subsection (a) during the two years
8 preceding the application for license renewal, restoration, or
9 reinstatement and shall be prepared to submit evidence of
10 completion if requested by the board.

11 (f) The board may conduct an audit to determine compliance
12 with the continuing competency requirement. The board shall
13 provide written notice of an audit to all licensees selected for
14 audit. Within sixty days of notification, the licensee shall
15 provide the board with documentation verifying compliance with
16 continuing competency requirements.

17 §457- Learning activity options. (a) The successful
18 completion of one of the following shall meet the learning
19 activity options requirements for continuing competency:

20 (1) National certification or recertification related to
21 the nurse's practice role;



- 1 (2) Thirty contact hours of continuing education
2 activities;
- 3 (3) Completion of a board approved refresher course;
- 4 (4) Completion of a minimum of two semester credits of
5 post-licensure academic education related to nursing
6 practice from an accredited nursing program;
- 7 (5) Participation as a preceptor, for at least one nursing
8 student or employee transitioning into new clinical
9 practice areas for at least one hundred twenty hours,
10 in a one-to-one relationship as part of an organized
11 preceptorship program; provided that the licensee may
12 precept more than one student or employee during the
13 one hundred twenty hours and shall be evidenced by
14 documentation of hours completed and objectives of the
15 preceptorship by the institution supervising the
16 student;
- 17 (6) Completion as principal or co-principal investigator
18 of a nursing research project that is an institution
19 review board project or evidence-based practice
20 project that has been preapproved by the board;



- 1 (7) Authoring or coauthoring a peer reviewed published
- 2 nursing or health-related article, book, or book
- 3 chapter;
- 4 (8) Developing and conducting a nursing education
- 5 presentation or presentations totaling a minimum of
- 6 five contact hours of actual organized instruction
- 7 that qualifies as continuing education;
- 8 (9) Completion of a board-recognized nurse residency
- 9 program; or
- 10 (10) A similar type of learning activity option; provided
- 11 that the type of activity shall be recognized by the
- 12 board."

13 SECTION 3. Section 457-2, Hawaii Revised Statutes, is

14 amended by adding three new definitions to be appropriately

15 inserted and to read as follows:

16 "Competency" means the ability of a nurse to integrate

17 knowledge, skills, judgment and personal attributes to practice

18 safely and ethically in the professional nursing position and in

19 accordance with the scope of nationally recognized nursing

20 practices.



1 "Contact hour" means the same as section 16-89-2, Hawaii
2 Administrative Rules.

3 "Continuing competency" means the long-term educational and
4 professional process by which an individual undertakes and
5 documents with verifiable evidence a personal learning plan that
6 encompasses a periodic self-assessment of personal strengths and
7 weaknesses as present in the individual's practice as a nurse as
8 well as a commitment to furthering the individual's professional
9 knowledge relating to the nursing field."

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

12 "(a) In addition to any other actions authorized by law,
13 the board shall have the power to deny, revoke, limit, or
14 suspend any license to practice nursing as a registered nurse or
15 as a licensed practical nurse applied for or issued by the board
16 in accordance with this chapter, and to fine or to otherwise
17 discipline a licensee for any cause authorized by law, including
18 but not limited to the following:

19 (1) Fraud or deceit in procuring or attempting to procure
20 a license to practice nursing as a registered nurse or
21 as a licensed practical nurse;



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



1 within thirty days after the disciplinary action
2 becomes final;

3 (11) Submitting to or filing with the board any notice,
4 statement, or other document required under this
5 chapter, which is false or untrue or contains any
6 material misstatement of fact[+], including a false
7 attestation of compliance with continuing competency
8 requirements; or

9 (12) Violation of the conditions or limitations upon which
10 any license is issued."

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

APPROVED this 19 day of JUN , 2015



GOVERNOR OF THE STATE OF HAWAII

