A BILL FOR AN ACT

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.

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

SECTION 1. The legislature finds that the doctor shortage in Hawaii, particularly on the neighbor islands, is affecting patient access to services. Advanced practice registered nurses have been filling the care gap for several years and have become indispensable care providers in their communities. However, the care gap remains for certain time-sensitive medical procedures because advanced practice registered nurses do not have the authority to perform them.

The purpose of this Act is to ensure women can receive timely and safe access to medical care by authorizing advanced practice registered nurses to provide abortions.

SECTION 2. Section 453-16, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) No abortion shall be performed in this State unless:

(1) The abortion is performed by a licensed physician or surgeon, [or] by a licensed osteopathic physician and..."
surgeon[; and] or by an advanced practice registered nurse licensed pursuant to chapter 457;

(2) The abortion is performed in a hospital licensed by the department of health or operated by the federal government or an agency thereof, [or] in a clinic or physician's or osteopathic physician's office[], or in the office of an advanced practice registered nurse licensed pursuant to chapter 457; and

(3) The abortion is performed by a licensed health care provider specified in paragraph (1) acting within the licensed health care provider's lawful scope of practice."

2. By amending subsections (d) and (e) to read:

"(d) Any person who knowingly violates subsection (a) shall be fined not more than $1,000 [or imprisoned not more than five years, or both].

(e) Nothing in this section shall require [any hospital or] any person to participate in an abortion nor shall [any hospital or any] that person be liable for a refusal[];

provided that the person has given prior written notice to the appropriate and responsible hospital, firm, corporation, or
association, if applicable, and the refusal does not cause a serious risk to another person's health or life."

SECTION 3. Section 457-2.7, Hawaii Revised Statutes, is amended to read as follows:

"§457-2.7 Advanced practice registered nurse. (a) Practice as an advanced practice registered nurse means the scope of nursing in a category approved by the board, regardless of compensation or personal profit, and includes the registered nurse scope of practice. The scope of an advanced practice registered nurse includes but is not limited to advanced assessment; telehealth; and the diagnosis, prescription, selection, and administration of therapeutic measures including over the counter drugs, legend drugs, and controlled substances within the advanced practice registered nurse's role and specialty-appropriate education and certification. (b) An advanced practice registered nurse shall be authorized to perform abortions pursuant to section 453-16; provided that nothing in this section shall be construed to expand the authorized scope of practice of any advanced practice registered nurse."
(c) The advanced practice registered nurse's scope of practice supersedes the registered nurse's scope of practice. Advanced practice registered nurses shall practice within standards established or recognized by the board and be guided by the scope of practice authorized by this chapter, the rules of the board, and nursing standards established or recognized by the board including but not limited to:

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

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

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

(d) An advanced practice registered nurse shall comply with the requirements of this chapter; recognize limits of the advanced practice registered nurse's knowledge and experience and planning for the management of situations that
1 exceed the scope of authorized practice; and consult with or
2 refer clients to other health care providers, as appropriate."
3
4 SECTION 4. The board of nursing shall adopt rules as
5 necessary to carry out the purposes of this Act. The board of
6 nursing may consider adopting interim rules to adjust the scope
7 of practice of advanced practice registered nurses, if required
8 to comply with the purposes of this Act.
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10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.
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13 SECTION 6. This Act shall take effect upon its approval.
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INTRODUCED BY: [Signature]

JAN 24 2019
Report Title:
Advanced Practice Registered nurses; Abortion; Board of Nursing

Description:
Authorizes advanced practice registered nurses to provide abortions. Clarifies who may refuse to perform an abortion and notice procedures for refusal. Authorizes the board of nursing to adopt interim rules.

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