A BILL FOR AN ACT

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.

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

1 SECTION 1. The legislature finds that there is a need for 2 more access to health care professionals, particularly in rural 3 Studies show that appropriately trained advanced areas. 4 practice registered nurses can provide high quality health care 5 and achieve positive outcomes for patients. Advanced practice 6 registered nurses are capable of providing primary health care 7 and play an important role in meeting the growing demand for 8 primary health care, particularly in underserved areas.

9 The legislature further finds that the disciplines of 10 medicine and nursing and the roles of physicians and advanced 11 practice registered nurses are complementary. Ultimately, the 12 interests of patients are well served when advanced practice 13 registered nurses are included as an essential component of the 14 primary health care team.

15 The purpose of this Act is to recognize advanced practice 16 registered nurses as participating primary health care providers 17 for insurance coverage purposes, permit advanced practice







registered nurses to sign documents relating to health care for their patients, clarify educational and other requirements for advanced practice registered nurses, and update the authority for advanced practice registered nurses to write prescriptions, including prescriptions for controlled substances, medical equipment, and therapeutic regimens, in accordance with their scope of practice.

8 SECTION 2. Chapter 431, article 10A, Hawaii Revised
9 Statutes, is amended by adding a new section to be appropriately
10 designated and to read as follows:

11 "§431:10A- Primary care provider; advanced practice

12 registered nurse. (a) Each policy of accident and health or 13 sickness insurance delivered or issued for delivery in this 14 state shall recognize advanced practice registered nurses, as 15 defined under section 457-8.5(a), as participating providers, 16 and shall include coverage for care provided by participating 17 advanced practice registered nurses practicing within the scope 18 of their licenses for purposes of health maintenance, diagnosis, 19 or treatment, to the extent that the policy provides benefits 20 for identical services rendered by another health care provider. 21 (b) Notwithstanding any other law to the contrary, an

22 insurer may recognize a participating advanced practice



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1	registered nurse as a primary care provider if the insured's
2	policy requires the selection of a primary care provider. The
3	insurer shall include participating advanced practice registered
4	nurses who practice as primary care providers on any publicly
5	available list of participating primary care providers; provided
6	that the insurer retains the right to determine the contracting
7	criteria for a participating primary care provider.
8	(c) For the purposes of this section, "participating
9	advanced practice registered nurse" means an advanced practice
10	registered nurse who has contracted with the insurer to provide
11	health care services to its insureds."
12	SECTION 3. Chapter 432, article 1, Hawaii Revised
13	Statutes, is amended by adding a new section to be appropriately
14	designated and to read as follows:
15	" <u>§432:1-</u> Primary care provider; advanced practice
16	registered nurse. (a) Each policy of insurance delivered or
17	issued for delivery in this state by a mutual benefit society
18	shall recognize advanced practice registered nurses, as defined
19	under section 457-8.5(a), as participating providers, and shall
20	include coverage for care provided by participating advanced
21	practice registered nurses practicing within the scope of their
22	licenses for purposes of health maintenance, diagnosis, or

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1	treatment, to the extent that the policy provides benefits for		
2	identical services rendered by another health care provider.		
3	(b) Notwithstanding any other law to the contrary, an		
4	insurer may recognize a participating advanced practice		
5	registered nurse as a primary care provider if the insured's		
6	policy requires the selection of a primary care provider. The		
7	insurer shall include participating advanced practice registered		
8	nurses who practice as primary care providers on any publicly		
9	available list of participating primary care providers; provided		
10	that the insurer retains the right to determine the contracting		
11	criteria for a participating primary care provider.		
12	(c) For the purposes of this section, "participating		
13	advanced practice registered nurse" means an advanced practice		
14	registered nurse who has contracted with the insurer to provide		
15	health care services to its insureds."		
16	SECTION 4. Chapter 432, article 2, Hawaii Revised		
17	Statutes, is amended by adding a new section to be appropriately		
18	designated and to read as follows:		
19	"§432:2- Primary care provider; advanced practice		
20	registered nurse. (a) Each policy of insurance delivered or		
21	issued for delivery in this state by a fraternal benefit society		
22	shall recognize advanced practice registered nurses, as defined		

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1	under section 457-8.5(a), as participating providers, and shall
2	include coverage for care provided by participating advanced
3	practice registered nurses practicing within the scope of their
4	licenses for purposes of health maintenance, diagnosis, or
5	treatment, to the extent that the policy provides benefits for
6	identical services rendered by another health care provider.
7	(b) Notwithstanding any other law to the contrary, an
8	insurer may recognize a participating advanced practice
9	registered nurse as a primary care provider if the insured's
10	policy requires the selection of a primary care provider. The
11	insurer shall include participating advanced practice registered
12	nurses who practice as primary care providers on any publicly
13	available list of participating primary care providers; provided
14	that the insurer retains the right to determine the contracting
15	criteria for a participating primary care provider.
16	(c) For the purposes of this section, "participating
17	advanced practice registered nurse" means an advanced practice
18	registered nurse who has contracted with the insurer to provide
19	health care services to its insureds."
20	SECTION 5. Chapter 457, Hawaii Revised Statutes, is
21	amended by adding a new section to be appropriately designated
22	and to read as follows:

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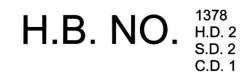
1	"§457- Global signature authority. (a) Notwithstanding
2	any other law to the contrary, advanced practice registered
3	nurses shall be authorized to sign, certify, or endorse all
4	documents relating to health care within their scope of practice
5	provided for their patients, including workers' compensation
6	verification documents, verification and evaluation forms of the
7	department of human services and department of education,
8	verification and authorization forms of the department of
9	health, and physical examination forms; provided that nothing in
10	this section shall be construed to expand the scope of practice
11	of advanced practice registered nurses.
12	(b) This section shall not apply to a certificate of
13	disability that may be used to obtain parking privileges for
14	disabled persons pursuant to part III of chapter 291."
15	SECTION 6. Section 329-1, Hawaii Revised Statutes, is
16	amended as follows:
17	1. By adding a new definition to be appropriately inserted
18	and to read:
19	"Advanced practice registered nurse with prescriptive
20	authority" means a person licensed under section 457-8.6 who is
21	registered under this chapter to administer or prescribe a
22	controlled substance."
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1	2. 1	By amending the definition of "practitioner" to read:
2	""Pra	actitioner" means:
3	(1)	A physician, dentist, veterinarian, scientific
4		investigator, or other person licensed and registered
5		under section 329-32 to distribute, dispense, or
6		conduct research with respect to a controlled
7		substance in the course of professional practice or
8		research in this [State; and] state;
9	(2)	An advanced practice registered nurse with
10		prescriptive authority licensed and registered under
11		section 329-32 to prescribe and administer controlled
12		substances in the course of professional practice in
13		this state; and
14	[(2)]	(3) A pharmacy, hospital, or other institution
15		licensed, registered, or otherwise permitted to
16		distribute, dispense, conduct research with respect to
17		or to administer a controlled substance in the course
18		of professional practice or research in this [State.]
19		<u>state.</u> "
20	SECT	ION 7. Section 329-121, Hawaii Revised Statutes, is
21	amended by	y amending the definition of "physician" to read as
22	follows:	

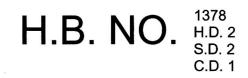




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1	""Physician" means a person who is licensed under [chapters
2	453 and 460,] chapter 453 and is licensed with authority to
3	prescribe drugs and is registered under section 329-32.
4	"Physician" does not include physician's assistant as described
5	in section 453-5.3[\cdot] or an advanced practice registered nurse
6	with prescriptive authority as described in section 457-8.6."
7	SECTION 8. Section 423D-23, Hawaii Revised Statutes, is
8	amended to read as follows:
9	"§432D-23 Required provisions and benefits.
10	Notwithstanding any provision of law to the contrary, each
11	policy, contract, plan, or agreement issued in the [State] state
12	after January 1, 1995, by health maintenance organizations
13	pursuant to this chapter, shall include benefits provided in
14	sections 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
15	431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, [and]
16	431:10A-121, and 431:10A- , and chapter 431M."
17	SECTION 9. Section 457-8.5, Hawaii Revised Statutes, is
18	amended to read as follows:
19	"§457-8.5 Advanced practice registered nurse;
20	qualifications; recognition; endorsement; fees; eligibility.

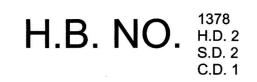




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1	(a)	[The] Effective October 1, 2009, the board shall grant
2	recogniti	on as an advanced practice registered nurse[; provided
3	the] to a	nurse <u>who</u> has:
4	(1)	A current, unencumbered license as a registered nurse
5		in this [State;] <u>state;</u>
6	(2)	An unencumbered license as a registered nurse in all
7		other states in which the nurse has a current and
8		active license;
9	(3)	An unencumbered recognition as an advanced practice
10		registered nurse or similar designation in all other
11		states in which the nurse has a current and active
12		recognition as an advanced practice registered nurse;
13	[(4)	A master's degree in nursing as specified in rules
14		adopted by the board or a current certification for
15		specialized and advanced nursing practice from a
16		national certifying body recognized by the board;
17		provided that certified nurse midwives shall maintain
18		current certification from a national certifying body
19		recognized by the board; and
20	(5)]	(4) Completed an accredited graduate-level education
21		program leading to a master's degree as a certified

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1		registered nurse anesthetist, a nurse midwife, a
2		clinical nurse specialist, or a nurse practitioner;
3	(5)	A current, unencumbered certification of having passed
4		a national certification examination that measures
5		role and population-focused competencies and is
6		recognized by the board;
7	(6)	Maintained continued competencies through
8		recertification in role and population-focused
9		competencies through a national certification program
10		recognized by the board;
11	(7)	Acquired advanced clinical knowledge and skills
12		preparing the nurse to provide direct care to patients
13		through a significant educational and practical
14		concentration on the direct care of patients;
15	(8)	Demonstrated a greater breadth of knowledge, a greater
16		synthesis of data, greater complexity of skills and
17		interventions, and greater role autonomy than
18		demonstrated by a registered nurse;
19	(9)	Been educationally prepared to assume responsibility
20		and accountability for health promotion and
21		maintenance and to assess, diagnose, and manage





1		patient problems through the use and prescription of
2		pharmacologic and non-pharmacologic interventions;
3	(10)	Acquired clinical experience of sufficient depth and
4		breadth to reflect the intended license; and
5	(11)	Paid the appropriate fees.
6	(b)	[The board shall require certified nurse midwives to
7	meet the	requirements of subsection (a) in order to obtain
8	recogniti	on and maintain recognition as advanced practice
9	register e	d nurses.] Any person recognized as an advanced
10	practice	registered nurse prior to October 1, 2009, whose
11	recogniti	on was granted based on a master's degree in nursing or
12	a current	certification for specialized and advanced nursing
13	practice	from a national certifying body recognized by the board
14	shall be	eligible to renew that recognition; provided that all
15	<u>nurse lic</u>	enses, recognitions, and prescriptive authorities or
16	similar d	esignations held by the person in any jurisdiction are
17	unencumbe	red.
18	<u>(c)</u>	Any person applying for advanced practice registered
19	nurse rec	ognition by endorsement shall be granted recognition as
20	an advanc	ed practice registered nurse; provided that:
21	(1)	The person applying is licensed as a registered nurse
22		in this state; and



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1	(2)	All nurse licenses, recognitions, and prescriptive	
2		authorities or similar designations held by the person	
3		under the laws of this state, another state, or a	
4		United States territory are unencumbered, and the	
5		originating state's requirements were equal to or	
6		greater than the board's advanced practice registered	
7		nurse requirements which were in effect prior to	
8		<u>October 1, 2009.</u>	
9	<u>An a</u>	dvanced practice registered nurse shall be eligible to	
10	renew the	recognition granted under this subsection; provided	
11	that all	nurse licenses, recognitions, and prescriptive	
12	authorities or similar designations held by the person in this		
13	state, another state, or a United States territory are		
14	unencumbered.		
15	[(c)] <u>(d)</u> Only a person who has a current, unencumbered	
16	recogniti	on from the board to practice as an advanced practice	
17	registere	d nurse shall use the title "Advanced Practice	
18	Registere	d Nurse" and the abbreviation "A.P.R.N.". No other	
19	person sh	all assume the title "nurse" or in any manner imply that	
20	the person	n is a nurse except as defined in section 457-2 or as	
21	provided	in sections 457-7 and 457-8 or use the abbreviation	
22	"A.P.R.N.	" or any other words, letter, sign, or device to	
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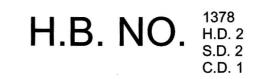


1 indicate that the person using the same is an advanced practice
2 registered nurse. Nothing in this section shall preclude a
3 registered nurse who is not recognized by the board as an
4 advanced practice registered nurse and who is currently
5 certified by a national certifying body recognized by the board
6 from using another title designated by certification."
7 SECTION 10. Section 457-8.6, Hawaii Revised Statutes, is

8 amended to read as follows:

9 "§457-8.6 Prescriptive authority for advanced practice 10 registered nurses. (a) The board shall grant prescriptive 11 authority to qualified advanced practice registered nurses and 12 shall designate the requirements for advanced nursing practice 13 related to prescriptive authority. [The Hawaii medical board 14 shall submit an annual report of all amendments made to the 15 formularies to the board.] The board shall determine the 16 exclusionary formulary for qualified advanced practice 17 registered nurses who are granted prescriptive authority. 18 (b) The department of commerce and consumer affairs shall 19 establish a joint formulary advisory committee composed of: 20 (1) Two persons licensed as advanced practice registered 21 nurses and appointed by the board;



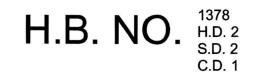


1	(2)	Two persons licensed in medicine by the Hawaii medical
2		board and appointed by the Hawaii medical board;
3	(3)	Three persons licensed as pharmacists and appointed by
4		the board of pharmacy;
5	(4)	One representative of the University of Hawaii John A.
6		Burns school of medicine appointed by the dean of the
7		University of Hawaii John A. Burns school of medicine;
8		and
9	(5)	One representative from a school of nursing with an
10		advanced practice registered nurse program.
11	The joint	formulary advisory committee shall recommend the
12	applicable	e formulary for persons recognized under this section.
13	The [Hawa:	ii medical] board shall consider the recommendations of
14	the joint	formulary advisory committee in adopting the
15	formulary	. The appropriate working relationship with licensed
16	physicians	s shall be reflected in rules adopted by the board in
17	accordance	e with chapter 91.
18	<u>(c)</u>	The board shall establish nursing requirements for
19	education	, experience, and national certification pursuant to
20	rules adop	pted in accordance with chapter 91.
21	(d)	Advanced practice registered nurses shall be
22	considered	d qualified if they have met the requirements of
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1	section 4	57-8.5(a), and have met the advanced pharmacology
2	requirements for initial prescriptive authority pursuant to	
3	rules adopted by the board. Only qualified advanced practice	
4	registered nurses authorized to diagnose, prescribe, and	
5	institute therapy or referrals of patients to health care	
6	agencies, health care providers, and community resources and,	
7	only as appropriate, to the practice specialty in which the	
8	advanced	practice nurse is qualified, may:
9	(1)	Prescribe, procure, administer, and dispense over the
10		counter and legend drugs, and controlled substances
11		pursuant to this chapter and to chapter 329; provided
12		that an advanced practice registered nurse shall not
13		request, receive, or sign for professional controlled
14	ja.	substance samples;
15	(2)	Prescribe, order, and dispense medical devices and
16		equipment; and
17	(3)	Plan and initiate a therapeutic regimen that includes
18		nutritional, diagnostic, and supportive services
19		including home health care, hospice, and physical and
20		occupational therapy."
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21 SECTION 11. The insurance commissioner shall perform a
22 review in 2011, of the effects of this Act, and submit a report





of the review's findings to the legislature not later than
 twenty days prior to the convening of the regular session of
 2012.
 SECTION 12. Statutory material to be repealed is bracketed

5 and stricken. New statutory material is underscored.

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



Report Title:

Health Care; Advanced Practice Registered Nurse; Primary Care Provider; Prescriptive Authority; Endorsement Licensure

Description:

Requires insurers, mutual and fraternal benefit societies, and health maintenance organizations to recognize advanced practice registered nurses as primary care providers. Provides for licensure by endorsement. Grants global signature authority and prescriptive rights. Amends definition of advanced practice registered nurse. Requires the Insurance Commissioner to perform a review of the effects of this Act in two years. (HB1378 CD1)

