
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 healthcare professionals, particularly in rural
3 areas. Studies show that appropriately trained advanced
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, to permit advanced practice

1 registered nurses to sign documents relating to health care for
2 their patients, to clarify educational and other requirements
3 for advanced practice registered nurses, and to update the
4 authority for advanced practice registered nurses to write
5 prescriptions including for controlled substance, medical
6 equipment, and therapeutic regimens in accordance with their
7 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 and
16 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 for
20 identical services rendered by another health care provider.
21 "Participating advanced practice registered nurses" are defined

1 as advanced practice registered nurses who have contracted with
2 the insurer to provide healthcare services to its insureds.

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. The
10 insurer retains the right to determine the contracting criteria
11 for a participating primary care provider."

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 **"§432:1- 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

1 treatment to the extent that the policy provides benefits for
2 identical services rendered by another health care provider.
3 "Participating advanced practice registered nurses" are defined
4 as advanced practice registered nurses who have contracted with
5 the insurer to provide healthcare services to its insureds.

6 (b) Notwithstanding any other law to the contrary, an
7 insurer may recognize a participating advanced practice
8 registered nurse as a primary care provider if the insured's
9 policy requires the selection of a primary care provider. The
10 insurer shall include participating advanced practice registered
11 nurses who practice as primary care providers on any publicly
12 available list of participating primary care providers. The
13 insurer retains the right to determine the contracting criteria
14 for a participating primary care provider."

15 SECTION 4. Chapter 432, article 2, Hawaii Revised
16 Statutes, is amended by adding a new section to be appropriately
17 designated and to read as follows:

18 "§432:2- Primary care provider; advanced practice
19 registered nurse. (a) Each policy of insurance delivered or
20 issued for delivery in this State by a fraternal benefit society
21 shall recognize advanced practice registered nurses, as defined
22 under section 457-8.5(a), as participating providers and shall

1 include coverage for care provided by participating advanced
2 practice registered nurses practicing within the scope of their
3 licenses for purposes of health maintenance, diagnosis or
4 treatment to the extent that the policy provides benefits for
5 identical services rendered by another health care provider.

6 "Participating advanced practice registered nurses" are defined
7 as advanced practice registered nurses who have contracted with
8 the insurer to provide healthcare services to its insureds.

9 (b) Notwithstanding any other law to the contrary, an
10 insurer may recognize a participating advanced practice
11 registered nurse as a primary care provider if the insured's
12 policy requires the selection of a primary care provider. The
13 insurer shall include participating advanced practice registered
14 nurses who practice as primary care providers on any publicly
15 available list of participating primary care providers. The
16 insurer retains the right to determine the contracting criteria
17 for a participating primary care provider."

18 SECTION 5. Chapter 432D, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:

21 **"§432D- Primary care provider; advanced practice**
22 **registered nurse.** (a) Each policy of insurance delivered or

1 issued for delivery in this State by a health maintenance
2 organization shall recognize advanced practice registered
3 nurses, as defined under section 457-8.5(a), as participating
4 providers and shall include coverage for care provided by
5 participating advanced practice registered nurses practicing
6 within the scope of their licenses for purposes of health
7 maintenance, diagnosis or treatment to the extent that the
8 policy provides benefits for identical services rendered by
9 another health care provider. "Participating advanced practice
10 registered nurses" are defined as advanced practice registered
11 nurses who have contracted with the insurer to provide
12 healthcare services to its insureds.

13 (b) Notwithstanding any other law to the contrary, an
14 insurer may recognize a participating advanced practice
15 registered nurse as a primary care provider if the insured's
16 policy requires the selection of a primary care provider. The
17 insurer shall include participating advanced practice registered
18 nurses who practice as primary care providers on any publicly
19 available list of participating primary care providers. The
20 insurer retains the right to determine the contracting criteria
21 for a participating primary care provider."

SECTION 6. Chapter 457, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§457- Global signature authority. (a) Notwithstanding any law to the contrary, advanced practice registered nurses shall be authorized to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients, including but not limited to workers' compensation verification documents, verification and evaluation forms of the department of human services, verification and evaluation forms of the department of education, verification and authorization forms from the department of health, and physical examination forms; provided that nothing in this section shall be construed to expand the scope of practice of advanced practice registered nurses.

(b) This section shall not apply to a certificate of disability that may be used to obtain parking privileges for disabled persons pursuant to part III of chapter 291."

SECTION 7. Section 457-8.5, Hawaii Revised Statutes, is amended to read as follows:

"§457-8.5 Advanced practice registered nurse; qualifications; recognition; endorsement; fees; eligibility.

1 (a) [~~The~~] Effective October 1, 2009, the board shall grant
2 recognition as an advanced practice registered nurse~~[-; provided~~
3 ~~the]~~ to a nurse who has:

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

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

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 competencies
9 through a national certification program recognized by
10 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 ~~recognition and maintain recognition as advanced practice~~
9 ~~registered nurses.]~~ Any person recognized as an advanced
10 practice registered nurse prior to October 1, 2009 whose
11 recognition 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 as an advanced
15 practice registered nurse; provided that all nurse licenses,
16 recognitions, and prescriptive authorities or similar
17 designations held by the person in any jurisdiction are
18 unencumbered.

19 (c) Any person applying for advanced practice registered
20 nurse recognition by endorsement shall be granted recognition as
21 an advanced practice registered nurse provided that:

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

3 (2) All nurse licenses, recognitions, and prescriptive
4 authorities or similar designations held by the person
5 under the laws of this State, another state, or a
6 United States territory are unencumbered and the
7 originating state's requirements were equal to or
8 greater than the board's advanced practice registered
9 nurse requirements which were in effect prior to
10 October 1, 2009. The advanced practice registered
11 nurse shall be eligible to renew that recognition as
12 an advanced practice registered nurse; provided that
13 all nurse licenses, recognitions, and prescriptive
14 authorities or similar designations held by the person
15 in this State, another state, or a United States
16 territory are unencumbered.

17 (d) Only a person who has a current, unencumbered
18 recognition from the board to practice as an advanced practice
19 registered nurse shall use the title "Advanced Practice
20 Registered Nurse" and the abbreviation "A.P.R.N.". No other
21 person shall assume the title "nurse" or in any manner imply that
22 the person is a nurse except as defined in section 457-2 or as

1 provided in sections 457-7 and 457-8 or use the abbreviation
2 "A.P.R.N." or any other words, letter, sign, or device to
3 indicate that the person using the same is an advanced practice
4 registered nurse. Nothing in this section shall preclude a
5 registered nurse who is not recognized by the board as an
6 advanced practice registered nurse and who is currently
7 certified by a national certifying body recognized by the board
8 from using another title designated by certification."

9 SECTION 8. Section 457-8.6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§457-8.6 Prescriptive authority for advanced practice**
12 **registered nurses.** (a) The board shall grant prescriptive
13 authority to qualified advanced practice registered nurses and
14 shall designate the requirements for advanced nursing practice
15 related to prescriptive authority. [~~The Hawaii medical board~~
16 ~~shall submit an annual report of all amendments made to the~~
17 ~~formularies to the board.] The board shall determine the
18 exclusionary formulary for qualified advanced practice
19 registered nurses who are granted prescriptive authority.~~

20 (b) The department of commerce and consumer affairs shall
21 establish a joint formulary advisory committee composed of:

1 (1) Two persons licensed as advanced practice registered
2 nurses and appointed by the board;

3 (2) Two persons licensed in medicine by the Hawaii medical
4 board and appointed by the Hawaii medical board;

5 (3) Three persons licensed as pharmacists and appointed by
6 the board of pharmacy;

7 (4) One representative of the University of Hawaii John A.
8 Burns school of medicine appointed by the dean of the
9 University of Hawaii John A. Burns school of medicine;
10 and

11 (5) One representative from a school of nursing with an
12 advanced practice registered nurse program.

13 The joint formulary advisory committee shall recommend the
14 applicable formulary for persons recognized under this section.

15 The [~~Hawaii medical~~] board shall consider the recommendations of
16 the joint formulary advisory committee in adopting the
17 formulary. The appropriate working relationship with licensed
18 physicians shall be reflected in rules adopted by the board in
19 accordance with chapter 91.

20 (c) The board shall establish nursing requirements for
21 education, experience, and national certification pursuant to
22 rules adopted in accordance with chapter 91.

1 (d) Advanced practice registered nurses shall be
2 considered qualified if they have met the requirements of
3 section 457-8.5(a), and have met the advanced pharmacology
4 requirements for initial prescriptive authority pursuant to
5 rules adopted by the board. Only qualified advanced practice
6 registered nurses authorized to diagnose, prescribe, and
7 institute therapy or referrals of patients to health care
8 agencies, health care providers, and community resources and,
9 only as appropriate to the practice specialty in which the
10 advanced practice nurse is qualified, may:

11 (1) Prescribe, procure, administer, and dispense over the
12 counter and legend drugs, and controlled substances
13 pursuant to this chapter and to chapter 329; provided
14 that an advanced practice registered nurse shall not
15 request, receive, or sign for professional controlled
16 substance samples;

17 (2) Prescribe, order, and dispense medical devices and
18 equipment; and

19 (3) Plan and initiate a therapeutic regimen that includes
20 nutritional, diagnostic, and supportive services
21 including home health care, hospice, and physical and
22 occupational therapy."

SECTION 9. Section 329-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read as follows:

"Advanced practice registered nurse with prescriptive authority" means a person licensed under section 457-8.6 who is registered under this chapter to administer or prescribe a controlled substance."

2. By amending the definition of "practitioner" to read:

"Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed and registered under section 329-32 to distribute, dispense, or conduct research with respect to a controlled substance in the course of professional practice or research in this State; ~~and~~

(2) An advanced practice registered nurse with prescriptive authority licensed and registered under section 329-32 to prescribe and administer controlled substances in the course of professional practice in this State; and

1 [~~(2)~~] (3) A pharmacy, hospital, or other institution
2 licensed, registered, or otherwise permitted to
3 distribute, dispense, conduct research with respect to
4 or to administer a controlled substance in the course
5 of professional practice or research in this State."

6 SECTION 10. Section 329-121, Hawaii Revised Statutes, is
7 amended by amending the definition of "physician" to read as
8 follows:

9 "'Physician" means a person who is licensed under [~~chapters~~
10 ~~453 and 460,~~] chapter 453 and is licensed with authority to
11 prescribe drugs and is registered under section 329-32.
12 "Physician" does not include physician's assistant as described
13 in section 453-5.3[~~-~~] or an advanced practice registered nurse
14 with prescriptive authority as described in section 457-8.6."

15 SECTION 11. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 12. This Act shall take effect upon 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. (SD2)