



GOV. MSG. NO. 1358

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 06, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

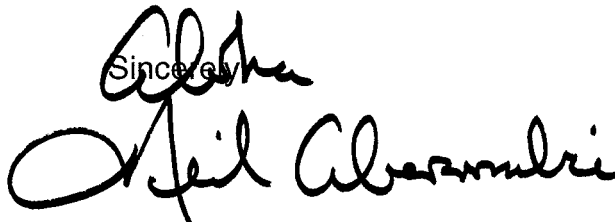
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 06, 2012, the following bill was signed into law:

SB2103 SD2 HD2 CD1

RELATING TO HEALTH.
Act 255 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

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Approved by the Governor

on JUL 6 2012

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 255

S.B. NO. 2103
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that physician
2 assistants, licensed practical nurses, and registered nurses
3 provide valuable medical care to patients under the orders of
4 licensed physicians. Licensed practical nurses and registered
5 nurses currently must use reasonable judgment in carrying out
6 the prescribed medical orders of a licensed dentist, medical
7 doctor, osteopathic physician, or podiatrist, or the orders of
8 an advanced practice registered nurse. The legislature also
9 finds that the relevant statutory language fails to explain
10 whether licensed practical nurses and registered nurses are
11 required to administer orders given by physician assistants.
12 That lack of clarity has led to confusion between hospital
13 administrators and nurses when physician assistants write or
14 give verbal orders in a hospital setting.

15 The purpose of this Act is to clarify that licensed
16 practical nurses and registered nurses are required to use
17 reasonable judgment in carrying out the orders of a licensed



1 physician assistant practicing with physician supervision, and
2 acting as an agent of the supervising physician.

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

7 "The practice of nursing as a licensed practical nurse"
8 means the performance of those acts commensurate with the
9 required educational preparation and demonstrated competency of
10 the individual, whereby the individual shall be accountable and
11 responsible to the consumer for the quality of nursing care
12 rendered. The foregoing may include, but shall not be limited
13 to: implementation of basic nursing procedures in the plan of
14 care; observing and caring for individuals at all levels of the
15 health spectrum, giving counsel and acting to safeguard life and
16 health and functioning as a part of the health care team, under
17 the direction of a dentist, physician, osteopathic physician,
18 registered nurse, or podiatrist licensed in accordance with
19 chapter 448, 453, 457, or 463E[+], or under the orders of a
20 physician assistant licensed pursuant to chapter 453, practicing
21 with physician supervision as required by chapter 453, and
22 acting as the agent of the supervising physician; administration



1 of treatment and medication as prescribed; promotion of health
2 maintenance of individuals, families, or groups; or teaching and
3 supervision of auxiliary personnel.

4 "The practice of nursing as a registered nurse" means the
5 performance of professional services commensurate with the
6 educational preparation and demonstrated competency of the
7 individual having specialized knowledge, judgment, and skill
8 based on the principles of the biological, physical, behavioral,
9 and sociological sciences and nursing theory, whereby the
10 individual shall be accountable and responsible to the consumer
11 for the quality of nursing care rendered. The foregoing may
12 include but shall not be limited to observation, assessment,
13 development, implementation, and evaluation of a plan of care,
14 health counseling, supervision and teaching of other personnel,
15 and teaching of individuals, families, and groups in any stage
16 of health or illness; administration, supervision, coordination,
17 delegation, and evaluation of nursing practice; provision of
18 health care to the patient in collaboration with other members
19 of the health care team as autonomous health care professionals
20 providing the nursing component of health care; or use of
21 reasonable judgment in carrying out prescribed medical orders of
22 a licensed dentist, physician, osteopathic physician, or



1 podiatrist licensed in accordance with chapter 448, 453, or 463E
2 [~~or the~~]; orders of an advanced practice registered nurse
3 recognized in accordance with this chapter~~[or]~~; or the orders of
4 a physician assistant licensed pursuant to chapter 453,
5 practicing with physician supervision as required by chapter
6 453, and acting as the agent of the supervising physician."


7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval
13 and shall be repealed on July 1, 2017; provided that the
14 definitions of "the practice of nursing as a licensed practical
15 nurse" and "the practice of nursing as a registered nurse" under
16 section 457-2, Hawaii Revised Statutes, shall be reenacted in
17 the form in which they read on the day prior to the effective
18 date of this Act.

S.B. NO. 2103
S.D. 2
H.D. 2
C.D. 1

APPROVED this 6 day of JUL, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII