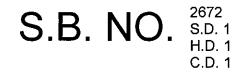
A BILL FOR AN ACT

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.

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

SECTION 1. The legislature finds that advanced practice 1 registered nurses provide a wide variety of health care services 2 to people in Hawaii. The legislature further finds that section 3 323-3, Hawaii Revised Statutes, requires each hospital within 4 the State to allow advanced practice registered nurses to 5 6 practice within the full scope of their practice, including as primary care providers. Advanced practice registered nurses are 7 8 also recognized as participating primary health care providers for insurance purposes under the State's insurance code. 9

10 The legislature also finds that certain sections within the Hawaii Revised Statutes omit advanced practice registered nurses 11 from the definitions or designations of health care entities who 12 may provide health care, prescribe drugs, or sign forms. The 13 outdated statutes must be amended to authorize increased 14 participation by advanced practice registered nurses and 15 recognize appropriately trained advanced practice registered 16 nurses as primary care providers. Authorizing increased 17 participation by advanced practice registered nurses in certain 18 2016-2290 SB2672 CD1 SMA.doc 1



circumstances, especially with regard to global signature
authority, will enable improved access to health care services,
expedite the process of processing paperwork, and provide
optimal care at the initial point of access for Hawaii patients,
especially in rural and underserved areas.

6 The purpose of this Act is to improve patient access to 7 medical care by clarifying the circumstances under which 8 advanced practice registered nurses may practice to the fullest 9 extent of their training and education.

SECTION 2. Section 328-1, Hawaii Revised Statutes, is amended by amending the definition of "out-of-state

12 practitioner" to read as follows:

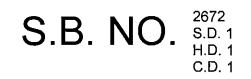
""Out-of-state practitioner" means a physician, surgeon, 13 14 osteopathic physician and surgeon, advanced practice registered nurse, dentist, podiatrist, or veterinarian authorized to 15 prescribe drugs to patients under the applicable laws of any 16 17 state of the United States except the State of Hawaii, or a 18 physician, surgeon, osteopathic physician and surgeon, advanced 19 practice registered nurse, dentist, podiatrist, or veterinarian 20 authorized to prescribe drugs under the applicable laws of Hawaii, but practicing in a state other than Hawaii." 21

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1	SECTION 3. Section 334-59, Hawaii Revised Statutes, is
2	amended by amending subsection (b) to read as follows:
3	"(b) Emergency examination. A patient who is delivered
4	for emergency examination and treatment to a facility designated
5	by the director shall be examined by a licensed physician or
6	advanced practice registered nurse without unnecessary delay,
7	and may be given such treatment as is indicated by good medical
8	practice. A psychiatrist, advanced practice registered nurse,
9	or psychologist may further examine the patient to diagnose the
10	presence or absence of a mental disorder, assess the risk that
11	the patient may be dangerous to self or others, and assess
12	whether or not the patient needs to be hospitalized."
13	SECTION 4. Section 338-9, Hawaii Revised Statutes, is
14	amended by amending subsection (b) to read as follows:
15	"(b) In preparing a certificate of death or fetal death
16	the person in charge of the disposition of the body shall:
17	(1) Obtain and enter on the certificate the personal data
18	and other information pertaining to the deceased
19	person required by the department from the person best
20	qualified to supply them;

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1 (2)Present the certificate of death to the physician or 2 advanced practice registered nurse last in attendance 3 upon the deceased, or to the coroner's physician, who 4 shall thereupon certify the cause of death to the 5 physician's or advanced practice registered nurse's best knowledge and belief, or present the certificate 6 7 of fetal death to the physician, advanced practice 8 registered nurse, midwife, or other person in 9 attendance at the fetal death, who shall certify the 10 fetal death and such medical data pertaining thereto 11 as can be furnished; provided that fetal deaths of 12 less than twenty-four weeks or intentional 13 terminations of preqnancy performed in accordance with 14 section 453-16 may be certified by a nurse or other employee based upon the physician's records; and 15 Notify immediately the appropriate local agent, if the 16 (3)17 death occurred without medical attendance, or if the physician or advanced practice registered nurse last 18 19 in attendance fails to sign the death certificate. In 20 such event the local agent shall inform the local 21 health officer, and refer the case to the local health



1 officer for immediate investigation and certification 2 of the cause of death prior to issuing a permit for 3 burial, or other disposition of the body. When the 4 local health officer is not a physician or when there 5 is no such officer, the local agent may complete the 6 certificate on the basis of information received from 7 relatives of the deceased or others having knowledge 8 of the facts.

9 If the circumstances of the case suggest that the death or 10 fetal death was caused by other than natural causes, the local 11 agent shall refer the case to the coroner for investigation and 12 certification."

13 SECTION 5. Section 338-10, Hawaii Revised Statutes, is 14 amended to read as follows:

15 "\$338-10 Late determination of the cause of death. If the 16 cause of death cannot be determined within three days, the 17 certification of its cause may be filed after the prescribed 18 period, but the attending physician, advanced practice 19 registered nurse, or coroner's physician shall notify in writing 20 the local agent of the department of health of the district in

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1	which the death occurred of the reason for late filing, in order		
2	that a permit for the disposition of the body may be issued.		
3	As used in this section, "late" means more than three days		
4	after the date of death."		
5	SECTION 6. Section 386-1, Hawaii Revised Statutes, is		
6	amended by amending the definition of "health care provider" to		
7	read as follows:		
8	""Health care provider" means a person qualified by the		
9	director to render health care and service and who has a license		
10	for the practice of:		
11	(1) Medicine or osteopathy under chapter 453;		
12	(2) Dentistry under chapter 448;		
13	(3) Chiropractic under chapter 442;		
14	(4) Naturopathic medicine under chapter 455;		
15	(5) Optometry under chapter 459;		
16	(6) Podiatry under chapter 463E; [and]		
17	(7) Psychology under chapter 465[-]; and		
18	(8) Advanced practice registered nurse under chapter 457."		
19	SECTION 7. Section 386-27, Hawaii Revised Statutes, is		
20	amended by amending subsection (a) to read as follows:		

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1	"(a)	All health care providers rendering health care and
2	services un	der this chapter shall be qualified by the director
3	and shall r	remain qualified by satisfying the requirements
4	established	in this section. The director shall qualify any
5	person init	ially who has a license for the practice of:
6	(1) M	ledicine or osteopathy under chapter 453;
7	(2) E	entistry under chapter 448;
8	(3) C	Chiropractic under chapter 442;
9	(4) N	Naturopathic medicine under chapter 455;
10	(5) C	ptometry under chapter 459;
11	(6) P	odiatry under chapter 463E; [and]
12	(7) F	sychology under chapter 465[+]; and
13	<u>(8)</u>	dvanced practice registered nurses under chapter
14	4	<u>.57.</u> "
15	SECTIC	N 8. Section 457-8.6, Hawaii Revised Statutes, is
16	amended by	amending subsection (d) to read as follows:
17	" (d)	Advanced practice registered nurses shall be
18	considered	qualified if they have met the requirements of
19	section 457	-8.5(a), and have met the advanced pharmacology
20	requirement	s for initial prescriptive authority pursuant to
21	rules adopt	ed by the board. Only qualified advanced practice

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registered nurses authorized to diagnose, prescribe, and 1 2 institute therapy or referrals of patients to health care agencies, health care providers, and community resources and, 3 4 only as appropriate to the practice specialty in which the 5 advanced practice [+] registered [+] nurse is qualified, may: 6 (1)Prescribe and administer over the counter drugs, 7 legend drugs, and controlled substances pursuant to 8 this chapter and to chapter 329 and request, receive, 9 and dispense manufacturers' prepackaged samples of over the counter drugs, and non-controlled legend 10 drugs to patients under their care; provided that an 11 12 advanced practice registered nurse shall not request, 13 receive, or sign for professional controlled substance 14 samples; Prescribe, order, and dispense medical devices and 15 (2)16 equipment; and 17 (3)Plan and initiate a therapeutic regimen that includes nutritional, diagnostic, and supportive services 18 19 including home health care, hospice, and physical and 20 occupational therapy."

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1	SECT	ION 9. Section 461-1, Hawaii Revised Statutes, is	
2	amended by amending the definition of "practice of pharmacy" to		
3	read as follows:		
4	""Practice of pharmacy" means:		
5	. (1)	The interpretation and evaluation of prescription	
6		orders; the compounding, dispensing, and labeling of	
7		drugs and devices (except labeling by a manufacturer,	
8		packer, or distributor of nonprescription drugs and	
9		commercially legend drugs and devices); the	
10		participation in drug selection and drug utilization	
11		reviews; the proper and safe storage of drugs and	
12		devices and the maintenance of proper records	
13		therefor; the responsibility for advising when	
14		necessary or where regulated, of therapeutic values,	
15		content, hazards, and use of drugs and devices;	
16	(2)	Performing the following procedures or functions as	
17		part of the care provided by and in concurrence with a	
18		"health care facility" and "health care service" as	
19		defined in section 323D-2, or a "pharmacy" or a	
20		licensed physician $[\tau]$ or a licensed advanced practice	
21		registered nurse with prescriptive authority, or a	

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1	"managed care plan" as defined in section 432E-1, in
2	accordance with policies, procedures, or protocols
3	developed collaboratively by health professionals,
4	including physicians and surgeons, pharmacists, and
5	registered nurses, and for which a pharmacist has
6	received appropriate training required by these
7	policies, procedures, or protocols:
8	(A) Ordering or performing routine drug therapy
9	related patient assessment procedures;
10	(B) Ordering drug therapy related laboratory tests;
11	(C) Initiating emergency contraception oral drug
12	therapy in accordance with a written
13	collaborative agreement approved by the board,
14	between a licensed physician or advanced practice
15	registered nurse with prescriptive authority and
16	a pharmacist who has received appropriate
17	training that includes programs approved by the
18	American Council of Pharmaceutical Education
19	(ACPE), curriculum-based programs from an ACPE-
20	accredited college of pharmacy, state or local

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1		health department programs, or programs
2		recognized by the board of pharmacy;
3	(D)	Administering drugs orally, topically, by
4		intranasal delivery, or by injection, pursuant to
5		the <u>order of the</u> patient's licensed [physician's
6		order, physician or advanced practice registered
7		nurse with prescriptive authority, by a
8		pharmacist having appropriate training that
9		includes programs approved by the ACPE,
10		curriculum-based programs from an ACPE-accredited
11		college of pharmacy, state or local health
12		department programs, or programs recognized by
13		the board of pharmacy;
14	(E)	Administering:
15		(i) Immunizations orally, by injection, or by
16		intranasal delivery, to persons eighteen
17		years of age or older by a pharmacist having
18		appropriate training that includes programs
19		approved by the ACPE, curriculum-based
20		programs from an ACPE-accredited college of
21		pharmacy, state or local health department

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1	programs, or programs recognized by the
2	board of pharmacy; and
3	(ii) Vaccines to persons between fourteen and
4	seventeen years of age pursuant to section
5	461-11.4;
6	(F) As authorized by the written instructions of a
7	licensed [physician's written instructions,]
8	physician or advanced practice registered nurse
9	with prescriptive authority, initiating or
10	adjusting the drug regimen of a patient pursuant
11	to an order or authorization made by the
12	patient's licensed physician or advanced practice
13	registered nurse with prescriptive authority and
14	related to the condition for which the patient
15	has been seen by the licensed physician[+] or
16	advanced practice registered nurse with
17	prescriptive authority; provided that the
18	pharmacist shall issue written notification to
19	the patient's licensed physician or advanced
20	practice registered nurse with prescriptive
21	authority or enter the appropriate information in





1		an electronic patient record system shared by the
2		licensed physician $[\tau]$ or advanced practice
3		registered nurse with prescriptive authority,
4		within twenty-four hours;
5	(G)	Transmitting a valid prescription to another
6		pharmacist for the purpose of filling or
7		dispensing; or
8	(H)	Providing consultation, information, or education
9		to patients and health care professionals based
10		on the pharmacist's training and for which no
11		other licensure is required; and
12	(3) The	offering or performing of those acts, services,
13	oper	ations, or transactions necessary in the conduct,
14	oper	ation, management, and control of pharmacy."
15	SECTION 1	0. Statutory material to be repealed is bracketed
16	and stricken.	New statutory material is underscored.
17	SECTION 1	1. This Act shall take effect upon its approval;
18	provided that	the amendments made to section 334-59(b), Hawaii
19	Revised Statut	es, by section 3 of this Act shall not be repealed
20	when that sect	ion is reenacted on July 1, 2020, pursuant to
21	section 24 of	Act 221, Session Laws of Hawaii 2013.

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Report Title: Advanced Practice Registered Nurses

Description:

Amends various statutes to clarify the role of advanced practice registered nurses with regards to their authority and participation in the health care system. Amends definitions in the statutes to conform with the duties and responsibilities of advanced practice registered nurses. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

