
A BILL FOR AN ACT

RELATING TO NURSING.

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

1 SECTION 1. The legislature finds that advanced practice
2 registered nurses are primary care providers who may practice to
3 the full scope of practice allowed under chapter 457, Hawaii
4 Revised Statutes. The legislature further finds that, as
5 licensed health care practitioners, advanced practice registered
6 nurses are qualified to provide primary medical care services to
7 adolescents and fulfill a vital role in caring for patients'
8 current and future health needs. The legislature additionally
9 finds that removing barriers to practice for advanced practice
10 registered nurses will result in improved access to safe,
11 timely, quality health care for the people of Hawaii.

12 The purpose of this Act is to allow advanced practice
13 registered nurses, who hold a national certification in a
14 psychiatric specialty, to offer care and services, similar to
15 those offered by physicians and other health care service
16 providers, to minors and patients in assisted community
17 treatment.



1 SECTION 2. Section 334-121, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§334-121 Criteria for assisted community treatment. A
4 person may be ordered to obtain assisted community treatment if
5 the family court finds that:

6 (1) The person is mentally ill or suffering from substance
7 abuse; [~~and~~]

8 (2) The person is unlikely to live safely in the community
9 without available supervision based on the
10 professional opinion of a psychiatrist[~~+~~] or advanced
11 practice registered nurse; [~~and~~]

12 (3) The person, at some time in the past: (A) has
13 received inpatient hospital treatment for mental
14 illness or substance abuse or (B) has been found to be
15 imminently dangerous to self or others, as a result of
16 mental illness or substance abuse; [~~and~~]

17 (4) The person, based on the person's treatment history
18 and current condition, is now in need of treatment in
19 order to prevent a relapse or deterioration which
20 would predictably result in the person becoming
21 imminently dangerous to self or others; [~~and~~]



1 (5) The person has a history of a lack of adherence to
 2 treatment for mental illness or substance abuse, and
 3 the person's current mental status or the nature of
 4 the person's disorder limits or negates the person's
 5 ability to make an informed decision to voluntarily
 6 seek or comply with recommended treatment; ~~and~~

7 (6) The assisted community treatment is medically
 8 appropriate, and in the person's medical interests;
 9 and

10 (7) Considering less intrusive alternatives, assisted
 11 community treatment is essential to prevent the danger
 12 posed by the person."

13 SECTION 3. Section 334-122, Hawaii Revised Statutes, is
 14 amended by adding two new definitions to be appropriately
 15 inserted and to read as follows:

16 "Advanced practice registered nurse" means a registered
 17 nurse licensed to practice in this State who:

18 (1) Has met the qualifications set forth in chapter 457
 19 and this part;

20 (2) Because of advanced education and specialized clinical
 21 training, is authorized to assess, screen, diagnose,



1 order, utilize, or perform medical, therapeutic,
 2 preventive, or corrective measures; and
 3 (3) Holds a national certification in a psychiatric
 4 specialization."

5 SECTION 4. Section 334-123, Hawaii Revised Statutes, is
 6 amended by amending subsection (b) to read as follows:

7 "(b) The petition may be accompanied by a certificate of a
 8 licensed psychiatrist or advanced practice registered nurse who
 9 has examined the subject of the petition within twenty calendar
 10 days prior to the filing of the petition. For purposes of the
 11 petition, an examination shall be considered valid so long as
 12 the licensed psychiatrist or advanced practice registered nurse
 13 has obtained enough information from the subject of the petition
 14 to reach a diagnosis of the subject of the petition, and to
 15 express a professional opinion concerning the same, even if the
 16 subject of the petition is not fully cooperative."

17 SECTION 5. Section 334-126, Hawaii Revised Statutes, is
 18 amended by amending subsection (h) to read as follows:

19 "(h) No subject of the petition shall be ordered to
 20 receive assisted community treatment unless at least one
 21 psychiatrist or advanced practice registered nurse testifies in



1 person at the hearing [~~who~~], has provided that the psychiatrist
2 or advanced practice registered nurse, has personally assessed
3 the subject, within a reasonable time before the filing of the
4 petition up to the time when the psychiatrist or advanced
5 practice registered nurse provides oral testimony at court. The
6 psychiatrist's or advanced practice registered nurse's testimony
7 shall state the facts which support the allegation that the
8 subject meets all the criteria for assisted community treatment,
9 provide a written treatment plan, which shall include non-mental
10 health treatment if appropriate, provide the rationale for the
11 recommended treatment, and identify the designated mental health
12 program responsible for the coordination of care.

13 If the recommended assisted community treatment includes
14 medication, the psychiatrist's or advanced practice registered
15 nurse's testimony shall describe the types or classes of
16 medication which should be authorized, and describe the physical
17 and mental beneficial and detrimental effects of such
18 medication."

19 SECTION 6. Section 334-127, Hawaii Revised Statutes, is
20 amended by amending subsections (b) and (c) to read as follows:



1 "(b) If after hearing all relevant evidence, including the
2 results of any diagnostic examination ordered by the family
3 court, the family court finds that the criteria for assisted
4 community treatment under section 334-121(1) have been met
5 beyond a reasonable doubt and that the criteria under section
6 334-121(2) to 334-121(7) have been met by clear and convincing
7 evidence, the family court shall order the subject to obtain
8 assisted community treatment for a period of not more than one
9 year. The written treatment plan submitted pursuant to section
10 334-126(h) shall be attached to the order and made a part of the
11 order.

12 If the family court finds by clear and convincing evidence
13 that the beneficial mental and physical effects of recommended
14 medication outweigh the detrimental mental and physical effects,
15 if any, the order may authorize types or classes of medication
16 to be included in treatment at the discretion of the treating
17 psychiatrist [-] or advanced practice registered nurse.

18 The court order shall also state who should receive notice
19 of intent to discharge early in the event that the treating
20 psychiatrist or advanced practice registered nurse determines,
21 prior to the end of the court ordered period of treatment, that



1 the subject should be discharged early from assisted community
2 treatment.

3 (c) The family court shall also designate on the order the
4 treating psychiatrist or advanced practice registered nurse who
5 is to be responsible for the management and supervision of the
6 subject's treatment, or shall assign an administrator of a
7 designated mental health program to, in turn, designate the
8 treating psychiatrist or advanced practice registered nurse
9 during the treatment period without court approval, and may
10 designate either a publicly employed psychiatrist [7] or advanced
11 practice registered nurse, or a private psychiatrist [7] or
12 advanced practice registered nurse; provided that the private
13 psychiatrist or advanced practice registered nurse shall agree
14 to the designation. The order for assisted community treatment
15 shall be subject to the Health Care Privacy Harmonization Act,
16 [†]chapter 323B[†]."

17 SECTION 7. Section 334-129, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsection (a) to read:

20 "(a) A treating psychiatrist or advanced practice
21 registered nurse may prescribe or administer to the subject of



1 the order reasonable and appropriate medication or medications,
2 if specifically authorized by the court order, and treatment
3 which is consistent with accepted medical standards and the
4 family court order, including the written treatment plan
5 submitted pursuant to section 334-126(h)."

6 2. By amending subsection (d) to read:

7 "(d) The designated mental health program's treating
8 psychiatrist or advanced practice registered nurse or
9 psychiatrist's or advanced practice registered nurse's designee
10 shall make all reasonable efforts to solicit the subject's
11 compliance with the prescribed treatment. If the subject fails
12 or refuses to comply after the efforts to solicit compliance,
13 the treating psychiatrist or advanced practice registered nurse
14 shall assess whether the subject of the order meets criteria for
15 admission to a psychiatric facility under part IV of this
16 chapter, and proceed with the admission pursuant to section 334-
17 59(a)(2) or (3); provided that the refusal of treatment shall
18 not, by itself, constitute a basis for involuntary
19 hospitalization."

20 SECTION 8. Section 334-131, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) When the treating psychiatrist or advanced practice
2 registered nurse contemplates discharge for a subject of the
3 order because of expiration of the court order or because the
4 subject of the order is no longer a proper subject for assisted
5 community treatment, as determined by the criteria in section
6 334-121, the treating psychiatrist or advanced practice
7 registered nurse shall provide notice of intent to discharge."

8 SECTION 9. Section 577-29, Hawaii Revised Statutes, is
9 amended by amending subsection (f) to read as follows:

10 "(f) As used in this section:

11 "Licensed mental health professional" means any of the
12 following:

- 13 (1) A person licensed as a mental health counselor
- 14 pursuant to chapter 453D;
- 15 (2) A person licensed as a marriage and family therapist
- 16 pursuant to chapter 451J;
- 17 (3) A clinical social worker licensed pursuant to chapter
- 18 467E;
- 19 (4) A person licensed as a psychologist pursuant to
- 20 chapter 465; [~~or~~]



- 1 (5) A board certified, or board eligible, licensed
2 psychiatrist [-]; or
3 (6) An advanced practice registered nurse licensed
4 pursuant to chapter 457 who holds a national
5 certification in a psychiatric specialization.

6 "Mental health treatment or counseling services" means the
7 provision of outpatient mental health treatment or counseling by
8 a licensed mental health professional."

9 SECTION 10. Section 577A-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§577A-2 Consent valid. The consent to the provision of
12 medical care and services by public and private hospitals or
13 public and private clinics, or the performance of medical care
14 and services by a physician licensed to practice medicine [-] or
15 advanced practice registered nurse as defined in section
16 457-2.7, when executed by a female minor who is or professes to
17 be pregnant, or by a minor who is or professes to be afflicted
18 with a venereal disease, or a minor seeking family planning
19 services shall be valid and binding as if the minor had achieved
20 his or her majority as the case may be; that is, a female minor
21 who is, or professes to be pregnant, or a minor who is, or



1 professes to be afflicted with a venereal disease, or a minor
 2 seeking family planning services shall be deemed to have, and
 3 shall have the same legal capacity to act, and the same legal
 4 obligations with regard to the giving of such consent to such
 5 hospitals and such clinics or medical care and services to be
 6 provided by a physician licensed to practice medicine [7] or
 7 advanced practice registered nurse as defined in section
 8 457-2.7, as a person of full legal age and capacity, the infancy
 9 of the minor and any contrary provisions of law notwithstanding,
 10 and such consent shall not be subject to later disaffirmance by
 11 reason of such minority; and the consent of no other person or
 12 persons (including, but not limited to a spouse, parent,
 13 custodian, or guardian) shall be necessary in order to authorize
 14 such hospitals or such clinics or medical care and services
 15 provided by a physician licensed to practice medicine [7] or
 16 advanced practice registered nurse as defined in section
 17 457-2.7, to such a minor."

18 SECTION 11. Section 577A-3, Hawaii Revised Statutes, is
 19 amended to read as follows:

20 "§577A-3 Providing information. Public and private
 21 hospitals, or public and private clinics or physicians licensed



1 to practice medicine or advanced practice registered nurses as
 2 defined in section 457-2.7 may, at the discretion of the
 3 treating physician[7] or advanced practice registered nurse,
 4 inform the spouse, parent, custodian, or guardian of any minor
 5 patient of the provision of medical care and services to the
 6 minor or disclose any information pertaining to such care and
 7 services after consulting with the minor patient to whom such
 8 medical care and services have been provided under this chapter.

9 If the minor patient is not diagnosed as being pregnant or
 10 afflicted with venereal disease, such information as well as the
 11 application for diagnosis may be disclosed, at the discretion of
 12 the treating physician or advanced practice registered nurse
 13 after consulting with the minor patient."

14 SECTION 12. Section 577A-4, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 **"§577A-4 Financial responsibility; counseling.** (a) If a
 17 minor consents to receive medical care and services, the spouse,
 18 parent, custodian, or guardian of the minor patient shall not be
 19 liable for the legal obligations resulting from the furnishing
 20 of medical care and services provided by the public and private
 21 hospital, [~~e~~] public and private clinic or physician licensed



1 to practice medicine[-], or advanced practice registered nurse
2 as defined in section 457-2.7. A minor who consents to the
3 provision of medical care and services under this section shall
4 assume financial responsibility for the costs of such medical
5 care and services. Any other law to the contrary
6 notwithstanding, no spouse, parent, custodian, or guardian whose
7 consent has not been obtained or who has no prior knowledge that
8 the minor has consented to the provision of such medical care
9 and services shall be liable for the costs incurred by virtue of
10 the minor's consent.

11 (b) Medical care and services shall include individual
12 counseling for each minor patient by a physician licensed to
13 practice medicine[-] or advanced practice registered nurse as
14 defined in section 457-2.7. Such counseling shall seek to open
15 the lines of communication between parent and child."

16 SECTION 13. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 14. This Act shall take effect upon its approval.



Report Title:

Advanced Practice Registered Nurses; Health Care Practitioners;
Minors; Assisted Community Treatment; Health Services

Description:

Allows advanced practice registered nurses to offer care and services to minors and patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers. (HB912 HD2)

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

