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# 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 [~~and~~] or  
11 advanced practice registered nurse with prescriptive  
12 authority and who holds an accredited national  
13 certification in an advanced practice registered nurse  
14 psychiatric specialization;

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

20 (4) The person, based on the person's treatment history  
21 and current condition, is now in need of treatment in



1 order to prevent a relapse or deterioration which  
2 would predictably result in the person becoming  
3 imminently dangerous to self or others; [~~and~~]

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

10 (6) The assisted community treatment is medically  
11 appropriate, and in the person's medical interests;  
12 and

13 (7) Considering less intrusive alternatives, assisted  
14 community treatment is essential to prevent the danger  
15 posed by the person."

16 SECTION 3. Section 334-122, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:

19 "Advanced practice registered nurse" means a registered  
20 nurse licensed to practice in this State who:



- 1        (1) Has met the qualifications set forth in chapter 457
- 2        and this part;
- 3        (2) Because of advanced education and specialized clinical
- 4        training, is authorized to assess, screen, diagnose,
- 5        order, utilize, or perform medical, therapeutic,
- 6        preventive, or corrective measures;
- 7        (3) Holds an accredited national certification in an
- 8        advanced practice registered nurse psychiatric
- 9        specialization; and
- 10       (4) Holds prescriptive authority pursuant to section 457-
- 11       8.6."

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

14       "(b) The petition may be accompanied by a certificate of a  
 15 licensed psychiatrist or advanced practice registered nurse with  
 16 prescriptive authority and who holds an accredited national  
 17 certification in an advanced practice registered nurse  
 18 psychiatric specialization who has examined the subject of the  
 19 petition within twenty calendar days prior to the filing of the  
 20 petition. For purposes of the petition, an examination shall be  
 21 considered valid so long as the licensed psychiatrist or



1 advanced practice registered nurse with prescriptive authority  
2 and who holds an accredited national certification in an  
3 advanced practice registered nurse psychiatric specialization  
4 has obtained enough information from the subject of the petition  
5 to reach a diagnosis of the subject of the petition, and to  
6 express a professional opinion concerning the same, even if the  
7 subject of the petition is not fully cooperative."

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

10 "(h) No subject of the petition shall be ordered to  
11 receive assisted community treatment unless at least one  
12 psychiatrist or advanced practice registered nurse with  
13 prescriptive authority and who holds an accredited national  
14 certification in an advanced practice registered nurse  
15 psychiatric specialization testifies in person at the hearing  
16 who has personally assessed the subject, within a reasonable  
17 time before the filing of the petition up to the time when the  
18 psychiatrist or advanced practice registered nurse with  
19 prescriptive authority and who holds an accredited national  
20 certification in an advanced practice registered nurse  
21 psychiatric specialization provides oral testimony at court.



1 The [~~psychiatrist's~~] testimony of the psychiatrist or advanced  
2 practice registered nurse with prescriptive authority and who  
3 holds an accredited national certification in an advanced  
4 practice registered nurse psychiatric specialization shall state  
5 the facts which support the allegation that the subject meets  
6 all the criteria for assisted community treatment, provide a  
7 written treatment plan, which shall include non-mental health  
8 treatment if appropriate, provide the rationale for the  
9 recommended treatment, and identify the designated mental health  
10 program responsible for the coordination of care.

11 If the recommended assisted community treatment includes  
12 medication, the [~~psychiatrist's~~] testimony of the psychiatrist  
13 or advanced practice registered nurse with prescriptive  
14 authority and who holds an accredited national certification in  
15 an advanced practice registered nurse psychiatric specialization  
16 shall describe the types or classes of medication which should  
17 be authorized, and describe the physical and mental beneficial  
18 and detrimental effects of such 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 with  
18 prescriptive authority and who holds an accredited national  
19 certification in an advanced practice registered nurse  
20 psychiatric specialization.



1           The court order shall also state who should receive notice  
2 of intent to discharge early in the event that the treating  
3 psychiatrist or advanced practice registered nurse with  
4 prescriptive authority and who holds an accredited national  
5 certification in an advanced practice registered nurse  
6 psychiatric specialization determines, prior to the end of the  
7 court ordered period of treatment, that the subject should be  
8 discharged early from assisted community treatment.

9           (c) The family court shall also designate on the order the  
10 treating psychiatrist or advanced practice registered nurse with  
11 prescriptive authority and who holds an accredited national  
12 certification in an advanced practice registered nurse  
13 psychiatric specialization who is to be responsible for the  
14 management and supervision of the subject's treatment, or shall  
15 assign an administrator of a designated mental health program  
16 to, in turn, designate the treating psychiatrist or advanced  
17 practice registered nurse with prescriptive authority and who  
18 holds an accredited national certification in an advanced  
19 practice registered nurse psychiatric specialization during the  
20 treatment period without court approval, and may designate  
21 either a publicly employed psychiatrist[-] or advanced practice





1 registered nurse with prescriptive authority and who holds an  
2 accredited national certification in an advanced practice  
3 registered nurse psychiatric specialization, or a private  
4 psychiatrist[7] or advanced practice registered nurse with  
5 prescriptive authority and who holds an accredited national  
6 certification in an advanced practice registered nurse  
7 psychiatric specialization; provided that the private  
8 psychiatrist or advanced practice registered nurse with  
9 prescriptive authority and who holds an accredited national  
10 certification in an advanced practice registered nurse  
11 psychiatric specialization shall agree to the designation. The  
12 order for assisted community treatment shall be subject to the  
13 Health Care Privacy Harmonization Act, [4]chapter 323B[4]."

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

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

17 "(a) A treating psychiatrist or advanced practice  
18 registered nurse with prescriptive authority and who holds an  
19 accredited national certification in an advanced practice  
20 registered nurse psychiatric specialization may prescribe or  
21 administer to the subject of the order reasonable and



1 appropriate medication or medications, if specifically  
2 authorized by the court order, and treatment which is consistent  
3 with accepted medical standards and the family court order,  
4 including the written treatment plan submitted pursuant to  
5 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 with  
9 prescriptive authority and who holds an accredited national  
10 certification in an advanced practice registered nurse  
11 psychiatric specialization or [psychiatrist's] designee of the  
12 psychiatrist or advanced practice registered nurse with  
13 prescriptive authority and who holds an accredited national  
14 certification in an advanced practice registered nurse  
15 psychiatric specialization shall make all reasonable efforts to  
16 solicit the subject's compliance with the prescribed treatment.  
17 If the subject fails or refuses to comply after the efforts to  
18 solicit compliance, the treating psychiatrist or advanced  
19 practice registered nurse with prescriptive authority and who  
20 holds an accredited national certification in an advanced  
21 practice registered nurse psychiatric specialization shall



1 assess whether the subject of the order meets criteria for  
2 admission to a psychiatric facility under part IV of this  
3 chapter, and proceed with the admission pursuant to section 334-  
4 59(a)(2) or (3); provided that the refusal of treatment shall  
5 not, by itself, constitute a basis for involuntary  
6 hospitalization."

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

9 "(a) When the treating psychiatrist or advanced practice  
10 registered nurse with prescriptive authority and who holds an  
11 accredited national certification in an advanced practice  
12 registered nurse psychiatric specialization contemplates  
13 discharge for a subject of the order because of expiration of  
14 the court order or because the subject of the order is no longer  
15 a proper subject for assisted community treatment, as determined  
16 by the criteria in section 334-121, the treating psychiatrist or  
17 advanced practice registered nurse with prescriptive authority  
18 and who holds an accredited national certification in an  
19 advanced practice registered nurse psychiatric specialization  
20 shall provide notice of intent to discharge."



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

3 "(f) As used in this section:

4 "Licensed mental health professional" means any of the  
5 following:

- 6 (1) A person licensed as a mental health counselor  
7 pursuant to chapter 453D;
- 8 (2) A person licensed as a marriage and family therapist  
9 pursuant to chapter 451J;
- 10 (3) A clinical social worker licensed pursuant to chapter  
11 467E;
- 12 (4) A person licensed as a psychologist pursuant to  
13 chapter 465; [~~or~~]
- 14 (5) A board certified, or board eligible, licensed  
15 psychiatrist [~~-~~]; or
- 16 (6) An advanced practice registered nurse licensed  
17 pursuant to chapter 457 who holds an accredited  
18 national certification in an advanced practice  
19 registered nurse psychiatric specialization.



1 "Mental health treatment or counseling services" means the  
2 provision of outpatient mental health treatment or counseling by  
3 a licensed mental health professional."

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

6 "§577A-2 Consent valid. The consent to the provision of  
7 medical care and services by public and private hospitals or  
8 public and private clinics, or the performance of medical care  
9 and services by a physician licensed to practice medicine[~~7~~] or  
10 advanced practice registered nurse as defined in section  
11 457-2.7, when executed by a female minor who is or professes to  
12 be pregnant, or by a minor who is or professes to be afflicted  
13 with a venereal disease, or a minor seeking family planning  
14 services shall be valid and binding as if the minor had achieved  
15 his or her majority as the case may be; that is, a female minor  
16 who is, or professes to be pregnant, or a minor who is, or  
17 professes to be afflicted with a venereal disease, or a minor  
18 seeking family planning services shall be deemed to have, and  
19 shall have the same legal capacity to act, and the same legal  
20 obligations with regard to the giving of such consent to such  
21 hospitals and such clinics or medical care and services to be



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

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

15 "§577A-3 Providing information. Public and private  
16 hospitals, or public and private clinics or physicians licensed  
17 to practice medicine or advanced practice registered nurses as  
18 defined in section 457-2.7 may, at the discretion of the  
19 treating physician[7] or advanced practice registered nurse,  
20 inform the spouse, parent, custodian, or guardian of any minor  
21 patient of the provision of medical care and services to the



1 minor or disclose any information pertaining to such care and  
2 services after consulting with the minor patient to whom such  
3 medical care and services have been provided under this chapter.

4 If the minor patient is not diagnosed as being pregnant or  
5 afflicted with venereal disease, such information as well as the  
6 application for diagnosis may be disclosed, at the discretion of  
7 the treating physician or advanced practice registered nurse  
8 after consulting with the minor patient."

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

11 "**§577A-4 Financial responsibility; counseling.** (a) If a  
12 minor consents to receive medical care and services, the spouse,  
13 parent, custodian, or guardian of the minor patient shall not be  
14 liable for the legal obligations resulting from the furnishing  
15 of medical care and services provided by the public and private  
16 hospital, [~~or~~] public and private clinic or physician licensed  
17 to practice medicine[ ~~or~~], or advanced practice registered nurse  
18 as defined in section 457-2.7. A minor who consents to the  
19 provision of medical care and services under this section shall  
20 assume financial responsibility for the costs of such medical  
21 care and services. Any other law to the contrary



1 notwithstanding, no spouse, parent, custodian, or guardian whose  
2 consent has not been obtained or who has no prior knowledge that  
3 the minor has consented to the provision of such medical care  
4 and services shall be liable for the costs incurred by virtue of  
5 the minor's consent.

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

11 SECTION 13. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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





**Report Title:**

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

**Description:**

Allows advanced practice registered nurses who hold an accredited national certification in an advanced practice registered nurse psychiatric specialization 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. Requires advanced practice registered nurses providing care and services to patients in assisted community treatment to hold prescriptive authority.  
(SD1)

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