

JAN 20 2017

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

12 The purpose of this Act is to allow advanced practice
13 registered nurses to offer care and services to minors and
14 patients in assisted community treatment similar to care and
15 services offered by physicians and other health care service
16 providers.



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~~]



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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" or "APRN" means a
17 registered nurse licensed to practice in this State who has met
18 the qualifications set forth in chapter 457 and this part, and
19 who because of advanced education and specialized clinical
20 training, is authorized to assess, screen, diagnose, order,



1 utilize, or perform medical, therapeutic, preventive, or
2 corrective measures.

3 "Advance practice registered nurse with prescriptive
4 authority" means an APRN with the authority granted by the board
5 of nursing to verbally or in writing direct, order, or designate
6 the preparation of, use of, or manner of using, a drug within
7 the APRN's scope of practice."

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

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



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

3 "(h) No subject of the petition shall be ordered to
4 receive assisted community treatment unless at least one
5 psychiatrist or advanced practice registered nurse with
6 prescriptive authority testifies in person at the hearing who
7 has personally assessed the subject, within a reasonable time
8 before the filing of the petition up to the time when the
9 psychiatrist or advanced practice registered nurse with
10 prescriptive authority provides oral testimony at court. The
11 psychiatrist's or advanced practice registered nurse with
12 prescriptive authority's testimony shall state the facts which
13 support the allegation that the subject meets all the criteria
14 for assisted community treatment, provide a written treatment
15 plan, which shall include non-mental health treatment if
16 appropriate, provide the rationale for the recommended
17 treatment, and identify the designated mental health program
18 responsible for the coordination of care.

19 If the recommended assisted community treatment includes
20 medication, the psychiatrist's or advanced practice registered
21 nurse with prescriptive authority's testimony shall describe the



1 types or classes of medication which should be authorized, and
2 describe the physical and mental beneficial and detrimental
3 effects of such medication."

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

6 "(b) If after hearing all relevant evidence, including the
7 results of any diagnostic examination ordered by the family
8 court, the family court finds that the criteria for assisted
9 community treatment under section 334-121(1) have been met
10 beyond a reasonable doubt and that the criteria under section
11 334-121(2) to 334-121(7) have been met by clear and convincing
12 evidence, the family court shall order the subject to obtain
13 assisted community treatment for a period of not more than one
14 year. The written treatment plan submitted pursuant to section
15 334-126(h) shall be attached to the order and made a part of the
16 order.

17 If the family court finds by clear and convincing evidence
18 that the beneficial mental and physical effects of recommended
19 medication outweigh the detrimental mental and physical effects,
20 if any, the order may authorize types or classes of medication
21 to be included in treatment at the discretion of the treating



1 psychiatrist[-] or advanced practice registered nurse with
2 prescriptive authority.

3 The court order shall also state who should receive notice
4 of intent to discharge early in the event that the treating
5 psychiatrist or advanced practice registered nurse with
6 prescriptive authority determines, prior to the end of the court
7 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 who is to be responsible for the
12 management and supervision of the subject's treatment, or shall
13 assign an administrator of a designated mental health program
14 to, in turn, designate the treating psychiatrist or advanced
15 practice registered nurse with prescriptive authority during the
16 treatment period without court approval, and may designate
17 either a publicly employed psychiatrist[-] or advanced practice
18 registered nurse with prescriptive authority, or a private
19 psychiatrist[-] or advanced practice registered nurse with
20 prescriptive authority; provided that the private psychiatrist
21 or advanced practice registered nurse with prescriptive



1 authority shall agree to the designation. The order for
2 assisted community treatment shall be subject to the Health Care
3 Privacy Harmonization Act, [+]chapter 323B[+] ."

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

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

7 "(a) A treating psychiatrist or advanced practice
8 registered nurse with prescriptive authority may prescribe or
9 administer to the subject of the order reasonable and
10 appropriate medication or medications, if specifically
11 authorized by the court order, and treatment which is consistent
12 with accepted medical standards and the family court order,
13 including the written treatment plan submitted pursuant to
14 section 334-126(h) ."

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

16 "(d) The designated mental health program's treating
17 psychiatrist or advanced practice registered nurse with
18 prescriptive authority or psychiatrist's or advanced practice
19 registered nurse with prescriptive authority's designee shall
20 make all reasonable efforts to solicit the subject's compliance
21 with the prescribed treatment. If the subject fails or refuses



1 to comply after the efforts to solicit compliance, the treating
2 psychiatrist or advanced practice registered nurse with
3 prescriptive authority shall assess whether the subject of the
4 order meets criteria for admission to a psychiatric facility
5 under part IV of this chapter, and proceed with the admission
6 pursuant to section 334-59(a)(2) or (3); provided that the
7 refusal of treatment shall not, by itself, constitute a basis
8 for involuntary hospitalization."

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

11 "(a) When the treating psychiatrist or advanced practice
12 registered nurse with prescriptive authority 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 shall provide notice of intent to discharge."

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

21 "(f) As used in this section:



1 "Licensed mental health professional" means any of the
2 following:

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

15 "Mental health treatment or counseling services" means the
16 provision of outpatient mental health treatment or counseling by
17 a licensed mental health professional."

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

20 "**§577A-2 Consent valid.** The consent to the provision of
21 medical care and services by public and private hospitals or



1 public and private clinics, or the performance of medical care
2 and services by a physician licensed to practice medicine[7] or
3 advanced practice registered nurse as defined in section
4 457-2.7, when executed by a female minor who is or professes to
5 be pregnant, or by a minor who is or professes to be afflicted
6 with a venereal disease, or a minor seeking family planning
7 services shall be valid and binding as if the minor had achieved
8 his or her majority as the case may be; that is, a female minor
9 who is, or professes to be pregnant, or a minor who is, or
10 professes to be afflicted with a venereal disease, or a minor
11 seeking family planning services shall be deemed to have, and
12 shall have the same legal capacity to act, and the same legal
13 obligations with regard to the giving of such consent to such
14 hospitals and such clinics or medical care and services to be
15 provided by a physician licensed to practice medicine[7] or
16 advanced practice registered nurse as defined in section
17 457-2.7, as a person of full legal age and capacity, the infancy
18 of the minor and any contrary provisions of law notwithstanding,
19 and such consent shall not be subject to later disaffirmance by
20 reason of such minority; and the consent of no other person or
21 persons (including, but not limited to a spouse, parent,



1 custodian, or guardian) shall be necessary in order to authorize
2 such hospitals or such clinics or medical care and services
3 provided by a physician licensed to practice medicine[7] or
4 advanced practice registered nurse as defined in section
5 457-2.7, to such a minor."

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

8 "**§577A-3 Providing information.** Public and private
9 hospitals, or public and private clinics or physicians licensed
10 to practice medicine or advanced practice registered nurses as
11 defined in section 457-2.7 may, at the discretion of the
12 treating physician[7] or advanced practice registered nurse,
13 inform the spouse, parent, custodian, or guardian of any minor
14 patient of the provision of medical care and services to the
15 minor or disclose any information pertaining to such care and
16 services after consulting with the minor patient to whom such
17 medical care and services have been provided under this chapter.

18 If the minor patient is not diagnosed as being pregnant or
19 afflicted with venereal disease, such information as well as the
20 application for diagnosis may be disclosed, at the discretion of



1 the treating physician or advanced practice registered nurse
2 after consulting with the minor patient."

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

5 "**§577A-4 Financial responsibility; counseling.** (a) If a
6 minor consents to receive medical care and services, the spouse,
7 parent, custodian, or guardian of the minor patient shall not be
8 liable for the legal obligations resulting from the furnishing
9 of medical care and services provided by the public and private
10 hospital, ~~[or]~~ public and private clinic or physician licensed
11 to practice medicine~~[-]~~, or advanced practice registered nurse
12 as defined in section 457-2.7. A minor who consents to the
13 provision of medical care and services under this section shall
14 assume financial responsibility for the costs of such medical
15 care and services. Any other law to the contrary
16 notwithstanding, no spouse, parent, custodian, or guardian whose
17 consent has not been obtained or who has no prior knowledge that
18 the minor has consented to the provision of such medical care
19 and services shall be liable for the costs incurred by virtue of
20 the minor's consent.



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

6 SECTION 13. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

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