
A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1 SECTION 1. The legislature finds that Hawaii has many
2 qualified licensed health care providers, including physician
3 assistants and advanced practice registered nurses, who can
4 safely and effectively provide abortion care. However, the
5 legislature also finds that Hawaii's current laws restrict any
6 health care provider other than physicians from providing
7 aspiration abortion care. Consequently, numerous Hawaii
8 residents live on an island without, or with limited access to,
9 an abortion care provider.

10 The legislature further finds that the health and economic
11 security of Hawaii's residents is suffering due to various
12 issues caused by the State's abortion provider shortage,
13 including unnecessary travel, long wait times, high costs, and
14 delays to time-sensitive care. In addition, residents on Kauai,
15 Molokai, Lanai, and the west side of the island of Hawaii do not
16 have access to local physicians who can provide abortion care.
17 These residents are therefore forced to travel long distances to



1 access care, increasing costs for travel, lodging, and
2 childcare. Travel to reach care is an insurmountable barrier
3 for people who already face systemic barriers to health care,
4 including people with low incomes, young people, survivors of
5 intimate partner violence, and people in rural communities. The
6 coronavirus disease 2019 (COVID-19) pandemic has highlighted the
7 existing challenges of the abortion provider shortage and
8 exacerbated current barriers to care, including making travel to
9 access abortion care exceedingly difficult and potentially
10 risking viral spread of COVID-19.

11 The legislature also finds that physician assistants and
12 advanced practice registered nurses can safely and effectively
13 provide aspiration abortion care. Studies have found no
14 difference in abortion safety when performed by qualified
15 licensed health care providers other than physicians. Further,
16 numerous health care and professional organizations, including
17 the National Academies of Sciences, Engineering, and Medicine,
18 agree that restricting qualified licensed health care providers
19 from providing aspiration abortion care confers no medical
20 benefit and instead harms patients by limiting access to care.



1 To improve equitable access to health care, the legislature
2 concludes that allowing qualified licensed health care providers
3 to provide aspiration abortion care would allow residents to
4 stay in the residents' respective communities and safely receive
5 high-quality care with fewer financial and logistical barriers.

6 Accordingly, the purpose of this Act is to lift the
7 burdensome and medically unnecessary physician-only restriction
8 on performing certain abortion care procedures to ensure that
9 all people in Hawaii can equally access abortion care, no matter
10 their income or where they live, by authorizing licensed
11 physician assistants and advanced practice registered nurses to
12 perform aspiration abortions.

13 SECTION 2. Chapter 453, Hawaii Revised Statutes, is
14 amended by adding a new section to part I to be appropriately
15 designated and to read as follows:

16 **"§453- Qualified health care providers; intentional**
17 **termination of pregnancy.** Notwithstanding any other law to the
18 contrary, a qualified health care provider may provide
19 aspiration abortion care; provided that the qualified health
20 care provider:

21 (1) Has prescriptive authority;



- 1 (2) Practices within the qualified health care provider's
- 2 respective scope of practice; and
- 3 (3) Has an unencumbered license obtained in accordance
- 4 with this chapter or chapter 457, as applicable.

5 As used in this section, "qualified health care provider"
 6 means a physician assistant licensed under this chapter or an
 7 advanced practice registered nurse licensed under chapter 457."

8 SECTION 3. Section 453-16, Hawaii Revised Statutes, is
 9 amended by amending subsection (a) to read:

10 "(a) No abortion shall be performed in this State
 11 unless[+] the abortion is performed in a hospital licensed by
 12 the department of health or operated by the federal government
 13 or an agency thereof, or in a clinic or physician's or
 14 osteopathic physician's office and the abortion is:

15 (1) ~~[The abortion is performed]~~ Performed by a licensed
 16 physician or surgeon, or by a licensed osteopathic
 17 physician and surgeon; ~~[and]~~ or

18 (2) ~~[The abortion is performed in a hospital licensed by~~
 19 ~~the department of health or operated by the federal~~
 20 ~~government or an agency thereof, or in a clinic or~~
 21 ~~physician's or osteopathic physician's office.]~~ An



1 aspiration abortion performed by a licensed physician
2 assistant, or a licensed advanced practice registered
3 nurse in compliance with section 453- ."

4 SECTION 4. Section 457-2.7, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§457-2.7 Advanced practice registered nurse.** (a)

7 Practice as an advanced practice registered nurse means the
8 scope of nursing in a category approved by the board, regardless
9 of compensation or personal profit, and includes the registered
10 nurse scope of practice. The scope of an advanced practice
11 registered nurse includes but is not limited to advanced
12 assessment; telehealth; and the diagnosis, prescription,
13 selection, and administration of therapeutic measures including
14 over the counter drugs, legend drugs, and controlled substances
15 within the advanced practice registered nurse's role and
16 specialty-appropriate education and certification.

17 (b) An advanced practice registered nurse shall be
18 authorized to provide abortion care pursuant to sections 453-16
19 and 453- .

20 ~~(b)~~ (c) The advanced practice registered nurse's scope
21 of practice supersedes the registered nurse's scope of practice.



1 Advanced practice registered nurses shall practice within
2 standards established or recognized by the board and be guided
3 by the scope of practice authorized by this chapter, the rules
4 of the board, and nursing standards established or recognized by
5 the board including but not limited to:

6 (1) The National Council of State Boards of Nursing Model
7 Nursing Practice Act, Article II, Scope of Nursing
8 Practice, section 4; and

9 (2) The National Council of State Boards of Nursing Model
10 Nursing Administrative Rules, Chapter Two, Standards
11 of Nursing Practice, section 2.4.1;

12 provided that NCSBN shall have no legal authority over the board
13 and shall have no legal authority or powers of oversight of the
14 board in the exercise of its powers and duties authorized by
15 law.

16 [~~e~~] (d) An advanced practice registered nurse shall
17 comply with the requirements of this chapter; recognize limits
18 of the advanced practice registered nurse's knowledge and
19 experience and planning for the management of situations that
20 exceed the scope of authorized practice; and consult with or
21 refer clients to other health care providers, as appropriate."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2060.



H.B. NO. 576
H.D. 1

Report Title:

Aspiration Abortions; Physician Assistants; Advanced Practice Registered Nurses; Scope of Practice

Description:

Authorizes licensed physician assistants and advanced practice registered nurses to perform aspiration abortions. Effective 7/1/2060. (HD1)

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

