

JAN 22 2021

---

---

## A BILL FOR AN ACT

RELATING TO NURSES.

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

1           SECTION 1. The legislature finds that health care services  
2 are becoming complex and it is increasingly difficult for  
3 patients to access integrated services. Quality of patient care  
4 is jeopardized because of staffing changes implemented in  
5 response to managed care.

6           The legislature further finds that, to ensure the adequate  
7 protection of patients in acute care settings, it is essential  
8 that qualified registered nurses be accessible and available to  
9 meet the needs of patients. The basic principles of staffing in  
10 the acute care setting should be based on the patient's care  
11 needs, the severity of condition, services needed, and the  
12 complexity surrounding those services.

13           The purpose of this Act is to:

14           (1) Prohibit a hospital from assigning unlicensed  
15           assistive personnel to perform nursing care tasks,  
16           functions, and activities that would otherwise fall  
17           under the scope of practice of a registered nurse or



1           permitting a registered nurse to delegate certain  
2           tasks, functions, and activities to unlicensed  
3           assistive personnel;

4           (2) Prohibit registered nurses from being assigned to a  
5           nursing unit or critical care area unless registered  
6           nurses receive orientation and demonstrate individual  
7           competency;

8           (3) Require the department of health to adopt rules that  
9           establish requirements related to registered nurse-to-  
10          patient ratios in licensed hospitals; and

11          (4) Require the department of health to submit a report to  
12          the legislature.

13          SECTION 2. Chapter 321, part I, Hawaii Revised Statutes,  
14          is amended by adding a new section to be appropriately  
15          designated and to read as follows:

16                 "§321-         Registered nurses; delegation; staffing levels.

17          (a) A hospital licensed pursuant to this chapter shall not  
18          assign unlicensed assistive personnel to perform nursing care  
19          tasks, functions, and activities that would otherwise fall under  
20          the scope of practice of a registered nurse licensed under  
21          chapter 457. A hospital shall not permit a registered nurse to



1 delegate nursing care tasks, functions, and activities to  
2 unlicensed assistive personnel that require a substantial amount  
3 of scientific knowledge and technical skills, including:

- 4       (1) Administration of medication;
- 5       (2) Venipuncture of intravenous therapy;
- 6       (3) Parenteral or tube feedings;
- 7       (4) Invasive procedures, including inserting nasogastric  
8           tubes, inserting catheters, or tracheal suctioning;
- 9       (5) Assessment of patient condition;
- 10       (6) Educating patients and their families concerning the  
11           patients' health care problems, including post-  
12           discharge care; and
- 13       (7) Moderate complexity laboratory tests;

14 provided that nothing in this section shall be construed to  
15 restrict the practice of another health care provider licensed  
16 in the State from practicing within that health care provider's  
17 own recognized scope of practice.

18       (b) No registered nurse shall be assigned to a nursing  
19 unit or clinical area unless that nurse has first received  
20 orientation in that unit or area sufficient to demonstrate



1 individual competency and ability to provide appropriate care to  
2 patients in that unit or area.

3 (c) No later than \_\_\_\_\_, the department shall adopt  
4 rules pursuant to chapter 91 that establish minimum, specific,  
5 and numerical registered nurse-to-patient ratios by hospital  
6 unit for all hospitals licensed under this chapter. The rules  
7 shall include requirements that:

8 (1) Establish the minimum number of registered nurses that  
9 shall be allocated within each hospital unit;

10 (2) Establish additional staffing requirements assigned in  
11 accordance with a documented patient classification  
12 system for determining nursing care requirements,  
13 including:

14 (A) Severity of a patient's illness;

15 (B) Need for specialized equipment and technology;

16 (C) Complexity of clinical judgment needed to design,  
17 implement, and evaluate a patient care plan and  
18 the ability for self-care; and

19 (D) Licensure requirements for health care providers  
20 offering care pursuant to the requirements under  
21 this paragraph.



- 1        (3) Provide flexibility for rural health centers, included  
2        requests for a waiver from the requirements of this  
3        section; provided that any waiver shall not jeopardize  
4        the health, safety, and well-being of patients at the  
5        rural health center;
- 6        (4) Distinguish between regularly scheduled registered  
7        nurse core staff in an emergency medical services  
8        department and additional registered nurses providing  
9        critical care services to patients in an emergency  
10       medical services department;
- 11       (5) Consider the unique needs of psychiatric patients  
12       receiving care at a licensed hospital; and
- 13       (6) Consider the unique nurse-to-patient ratios for  
14       participants in a board-recognized nurse residency  
15       program; provided that the department shall coordinate  
16       with the board of nursing to establish requirements  
17       pursuant to this paragraph.
- 18       (d) Rules adopted pursuant to this subsection shall not  
19       supersede any existing registered nurse-to-patient ratio  
20       requirements that may be in place for:



1           (1) The Hawaii state hospital or any facility operated by  
2           the Hawaii health systems corporation; or

3           (2) Intensive care units, neonatal intensive care units,  
4           or operating rooms within a licensed hospital.

5           (e) All hospitals shall adopt written policies and  
6           procedures for training and mandatory orientation of nursing  
7           staff.

8           (f) Except as provided by subsection (a), in the event of  
9           a conflict between this section and any provision of chapter 457  
10          or rules adopted by the board of nursing pursuant to this  
11          section, chapter 457 and any rules adopted pursuant to that  
12          chapter shall prevail.

13          (g) The department shall submit a report to the  
14          legislature no later than twenty days prior to the convening of  
15          the regular session of 2026, on its efforts to comply with this  
16          section, including any proposed changes to the rules adopted  
17          pursuant to this section.

18          (h) For purposes of this section:

19          "Critical care unit" means a unit that is established to  
20          safeguard and protect patients whose severity of medical



1 conditions requires continuous monitoring and complex  
2 intervention by registered nurses.

3 "Hospital unit" means a critical care unit, burn unit,  
4 labor and delivery room, post-anesthesia service area, emergency  
5 medical services department, operating room, pediatric unit,  
6 stepdown or intermediate care unit, specialty care unit,  
7 telemetry unit, general medical care unit, subacute care unit,  
8 and transitional inpatient care unit."

9 SECTION 3. Section 457-7.5, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) [A] Except as provided in section 321- (a), a  
12 registered nurse may delegate nursing care tasks, functions, and  
13 activities to unlicensed assistive personnel in a manner that is  
14 appropriate to the level of knowledge and skill of the  
15 unlicensed assistive personnel; provided that the delegation of  
16 tasks, functions, and activities complies with applicable  
17 federal and state laws; and provided further that the practice-  
18 pervasive functions of assessment, evaluation, and nursing  
19 judgment shall not be delegated."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



# S.B. NO. 559

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY: *[Signature]*



# S.B. NO. 559

**Report Title:**

Nurses; Registered Nurses; Hospitals; Registered Nurse to Patient Ratios; Rules; Department of Health

**Description:**

Prohibits a hospital from assigning unlicensed assistive personnel to perform nursing care tasks, functions, and activities that would otherwise fall under the scope of practice of a registered nurse or permitting a registered nurse to delegate certain tasks, functions, and activities to unlicensed assistive personnel. Prohibits registered nurses from being assigned to a nursing unit or critical care area unless registered nurses receive orientation and demonstrate individual competency. Requires the department of health to adopt rules that establish requirements related to registered nurse-to-patient ratios in licensed hospitals. Requires a report to the legislature.

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

