

JAN 22 2021

A BILL FOR AN ACT

RELATING TO HEALTH CARE.

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

1 PART I

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

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



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

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

13 PART II

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

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



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

6 As used in this section, "qualified health care provider"
 7 means physician assistants licensed under this chapter and
 8 advanced practice registered nurses licensed under chapter 457."

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

11 "(a) No abortion shall be performed in this State unless[+
 12 ~~(1) The~~] the abortion is performed by a licensed physician
 13 or surgeon, [~~or by~~] a licensed osteopathic physician
 14 and surgeon[+and
 15 ~~(2) The abortion is performed in a hospital licensed by~~
 16 ~~the department of health or operated by the federal~~
 17 ~~government or an agency thereof, or in a clinic or~~
 18 ~~physician's or osteopathic physician's office.], a
 19 licensed physician assistant, or a licensed advanced
 20 practice registered nurse."~~



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

3 "**§457-2.7 Advanced practice registered nurse.** (a)

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

14 (b) An advanced practice registered nurse shall be
15 authorized to provide abortion care pursuant to section 453-16.

16 [~~(b)~~] (c) The advanced practice registered nurse's scope
17 of practice supersedes the registered nurse's scope of practice.
18 Advanced practice registered nurses shall practice within
19 standards established or recognized by the board and be guided
20 by the scope of practice authorized by this chapter, the rules



1 of the board, and nursing standards established or recognized by
2 the board including but not limited to:

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

6 (2) The National Council of State Boards of Nursing Model
7 Nursing Administrative Rules, Chapter Two, Standards
8 of Nursing Practice, section 2.4.1;

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

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

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 624

1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: Rosalyn H. Bell



S.B. NO. 624

Report Title:

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

Description:

Authorizes licensed physician assistants and advanced practice registered nurses to perform certain abortions.

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

