

JAN 18 2023

A BILL FOR AN ACT

RELATING TO NURSES.

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

1 SECTION 1. Chapter 457, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457- Temporary permit. (a) The board may issue a
5 temporary permit to a practical nurse or registered nurse
6 licensed in another jurisdiction who:

7 (1) Completes an application on a form prescribed by the
8 board;

9 (2) Pays all fees as prescribed by administrative rules
10 that are made applicable to the board;

11 (3) Provides proof of a valid and unencumbered license in
12 another state, territory, or country by way of a
13 license verification from the other state, territory,
14 or country, or Nursys license verification report
15 pursuant to applicable rule;

16 (4) Completes the fingerprinting requirement for a federal
17 and state criminal record check; and



1 (5) Submits a certified copy of the self-query report from
2 the National Practitioners Data Bank to the board.

3 (b) The board may issue a temporary permit to an
4 individual who currently holds a multistate license issued by
5 another state, provided that the individual:

6 (1) Completes an application on a form prescribed by the
7 board;

8 (2) Pays all fees as prescribed by administrative rules
9 that are made applicable to the board;

10 (3) Provides proof of a valid and unencumbered multistate
11 license in another state, territory, or country by way
12 of a Nursys license verification report pursuant to
13 applicable rule. For purposes of this subsection, a
14 "multistate license" means a license to practice as a
15 licensed practical nurse or registered nurse issued by
16 a home state licensing board that authorizes the
17 licensed nurse to practice in all party states under a
18 multistate licensure privilege; and

19 (4) Submits to the board a certified copy of the self-
20 query report from the National Practitioners Data
21 Bank.



1 (c) A temporary permit shall be issued only to an
2 applicant who has been appointed or accepted employment with a
3 single health care entity in the state listed in section 321-
4 11(10).

5 (d) A temporary permit shall be valid only for a period of
6 six months from the date of issuance. In no case shall a
7 temporary permit be valid for more than a period of six months
8 from the date of issuance. A new and separate temporary permit
9 may be issued; provided that the requirements of subsections (a)
10 or (b) have been satisfied as applicable."

11 SECTION 2. Section 457-7, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) Licenses shall be granted either by:

14 (1) Examination: The applicant shall be required to pass
15 a written examination in nursing subjects as
16 determined by the board. Upon the applicant's passage
17 of the examination and compliance with the applicable
18 requirements of this chapter and the rules of the
19 board, the board shall issue to the applicant a
20 license to practice nursing as a registered nurse; or



1 (2) Endorsement: The board may issue a license to
2 practice nursing as a registered nurse by endorsement
3 to an applicant who has been licensed as a registered
4 nurse under the laws of another state, territory, or
5 foreign country if the applicant has an unencumbered
6 license and, in the opinion of the board, the
7 applicant meets the qualifications required of
8 registered nurses in this State at the time of
9 graduation. [~~Pending verification of a valid,
10 unencumbered license from another state, territory, or
11 foreign country, a temporary permit may be issued for
12 employment with a Hawaii employer.~~]"

13 SECTION 3. Section 457-8, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Licenses shall be granted either by:

16 (1) Examination: The applicant shall be required to pass
17 a written examination in nursing subjects as
18 determined by the board. Upon the applicant's passage
19 of the examination and compliance with the applicable
20 requirements of this chapter and the rules of the
21 board, the board shall issue to the applicant a



1 license to practice nursing as a licensed practical
2 nurse; or

3 (2) Endorsement: The board may issue a license to
4 practice nursing as a licensed practical nurse by
5 endorsement to any applicant who has been licensed as
6 a licensed practical nurse, or a person entitled to
7 perform similar services under a different title,
8 under the laws of another state, territory, or foreign
9 country if the applicant has an unencumbered license
10 and, in the opinion of the board, the applicant meets
11 the requirements for licensed practical nurses in this
12 State at the time of graduation. [Pending
13 ~~verification of a valid, unencumbered license from~~
14 ~~another state, territory, or foreign country, a~~
15 ~~temporary permit may be issued for employment with a~~
16 ~~Hawaii employer.] "~~

17 SECTION 4. Section 457-13, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§457-13 **Exceptions.** This chapter does not prohibit:

20 (1) The furnishing of nursing assistance in an emergency;



1 (2) The practice of nursing that is incidental to the
2 program of study engaged in by students enrolled in
3 nursing education programs accredited by the board;
4 ~~[(3) The practice of nursing under a nonrenewable permit~~
5 ~~by:~~
6 ~~(A) A graduate of; or~~
7 ~~(B) An applicant who has provided proof that the~~
8 ~~applicant has completed the entire educational~~
9 ~~curriculum required for graduation for a nursing~~
10 ~~license from~~
11 ~~a school which is in or under the jurisdiction of the~~
12 ~~United States, and whose accreditation is recognized~~
13 ~~by the board; provided that following completion of~~
14 ~~(A) or (B), the candidate takes the first licensing~~
15 ~~examination scheduled by any board of nursing~~
16 ~~recognized by the board and has submitted to the board~~
17 ~~an application for a license to practice nursing in~~
18 ~~this State; and provided further that the permit shall~~
19 ~~be valid for three months or until the results of the~~
20 ~~licensing examination are received by the board;]~~



- 1 [~~4~~] (3) The practice of any legally qualified nurse of
2 another state who is employed by the United States or
3 any bureau, division, or agency thereof, while in the
4 discharge of the nurse's official duties;
- 5 [~~5~~] (4) The practice of nursing in connection with
6 healing by prayer or spiritual means alone in
7 accordance with the tenets and practice of any well
8 recognized church or religious denomination, provided
9 that no person practicing such nursing claims to
10 practice as a registered nurse or a licensed practical
11 nurse; [~~or~~]
- 12 [~~6~~] (5) The administration of oral and topical medication
13 and in emergency situations, other premeasured
14 medication, by school health aides as provided in
15 section 302A-853 [~~-~~]; or
- 16 (6) The practice of nursing by a nurse licensed in another
17 state, territory, or country who is accompanying a
18 patient or patients from out of state for less than
19 two weeks and who is not employed by or affiliated
20 with a health care entity in the State."



1 SECTION 5. The department of commerce and consumer affairs
2 may adopt interim rules to establish fees for the administration
3 of this Act. All fees collected shall be deposited into the
4 credit of the compliance resolution fund established pursuant to
5 section 26-9(o), Hawaii Revised Statutes. Fees assessed shall
6 be used to carry out the purposes of this Act without regard to
7 chapters 91 or 201M, Hawaii Revised Statutes; provided that:

8 (1) The department shall hold at least one public hearing
9 prior to the adoption of interim rules; and

10 (2) The interim rules shall be effective for no more than
11 one year after their adoption.

12 SECTION 6. The department of commerce and consumer affairs
13 may employ necessary personnel without regard to chapter 76,
14 Hawaii Revised Statutes, including one full-time permanent
15 office assistant, for the purposes of this Act.

16 SECTION 7. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$78,426 or so much
18 thereof as may be necessary for fiscal year 2023-2024 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2024-2025 to be deposited into the compliance resolution fund.



1 SECTION 8. There is appropriated out of the compliance
2 resolution fund the sum of \$78,426 or so much thereof as may be
3 necessary for fiscal year 2023-2024 and the same sum or so much
4 thereof as may be necessary for fiscal year 2024-2025 to
5 implement the regulation of nurses as required by this Act.

6 The sums appropriated shall be expended by the department
7 of commerce and consumer affairs for the purposes of this Act.

8 SECTION 9. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 10. This Act shall take effect on July 1, 2023.

11

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'RBL', is written over a horizontal line.

S.B. NO. 63

Report Title:

Nurses; Registered Nurses; Practical Nurses; Board of Nursing; Licenses; Endorsement; Temporary Permits; Exceptions

Description:

Allows the Board of Nursing to issue temporary permits to registered nurses and practical nurses licensed in another jurisdiction under certain circumstances, and excepts from license requirements nurses who are licensed in another state, territory, or country accompanying a patient from out-of-state for a period of less than two weeks and not employed or affiliated with a health care facility in the State.

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

