

S.B. NO. 1322

JAN 25 2023

A BILL FOR AN ACT

RELATING TO NURSES LICENSED IN ANOTHER JURISDICTION.

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 an out-of-state licensed practical nurse or
6 registered nurse who has applied and met the following
7 requirements:

- 8 (1) Completed an application on a form prescribed by the
9 board;
- 10 (2) Paid all fees established by title 16, chapter 53,
11 Hawaii Administrative Rules, that are made applicable
12 to board of nursing;
- 13 (3) Provided proof of a valid and unencumbered license in
14 another state, territory, or country by way of a
15 license verification from the other state, territory,
16 or country or Nursys license verification report
17 pursuant to section 16-89-16(2), Hawaii Administrative
18 Rules;

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1 (4) Completed the fingerprinting requirement for a federal
2 and state criminal record check; and

3 (5) Submitted to the board a certified copy of the self-
4 query report from the National Practitioners Databank.

5 (b) An individual who currently holds a multistate license
6 issued by another state may also meet the requirements for a
7 temporary permit; provided the individual has met the following
8 requirements:

9 (1) Completed an application on a form prescribed by the
10 board;

11 (2) Paid all fees established by title 16, chapter 53,
12 Hawaii Administrative Rules, that are made applicable
13 to board of nursing;

14 (3) Provided proof of a valid and unencumbered multistate
15 license in another state, territory, or country by way
16 of a Nursys license verification report pursuant to
17 section 16-89-16(2), Hawaii Administrative Rules. For
18 purposes of this section, a "multistate license" means
19 a license to practice as a licensed practical nurse or
20 registered nurse issued by a home state licensing
21 board that authorizes the licensed nurse to practice

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1 in all party states under a multistate licensure
2 privilege;

3 (4) Submitted to the board a certified copy of the self-
4 query report from the National Practitioners Databank.

5 (c) A temporary permit may only be issued to an applicant
6 who has been appointed or accepted employment with a single
7 health care entity listed in section 321-11(10).

8 (d) A temporary permit shall be valid only for a period of
9 six months from the date of issuance. In no case shall a permit
10 issued hereunder be valid for more than a period of six months
11 from the date of issuance. A new and separate temporary permit
12 may be issued provided that the requirements of subsection (a)
13 or (b) have been satisfied."

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

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

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

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

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

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

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

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1 board, the board shall issue to the applicant a
2 license to practice nursing as a licensed practical
3 nurse; or

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

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

20 "§457-13 **Exceptions.** This chapter does not prohibit:

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

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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 that is in or under the jurisdiction of the~~
12 ~~United States, a territory, or a foreign jurisdiction,~~
13 ~~and whose accreditation is recognized by the board,~~
14 ~~provided that following completion of (A) or (B), the~~
15 ~~candidate takes the first licensing examination~~
16 ~~scheduled by any board of nursing recognized by the~~
17 ~~board and has submitted to the board an application~~
18 ~~for a license to practice nursing in the State; and~~
19 ~~provided further that the permit shall be valid for~~
20 ~~three months or until the results of the licensing~~
21 ~~examination are received by the board;~~
22 ~~(4)]~~ (3) The practice of any legally qualified nurse of

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1 another state who is employed by the United States or
2 any bureau, division, or agency thereof, while in the
3 discharge of the nurse's official duties;

4 ~~[(5)]~~ (4) The practice of nursing in connection with
5 healing by prayer or spiritual means alone in
6 accordance with the tenets and practice of any well
7 recognized church or religious denomination, provided
8 that no person practicing such nursing claims to
9 practice as a registered nurse or a licensed practical
10 nurse; ~~[or~~

11 ~~+(6)]~~ (5) The administration of oral and topical medication
12 and in emergency situations, other premeasured
13 medication, by school health aides as provided in
14 section 302A-853 ~~[-]~~; or

15 (6) The practice of nursing by a nurse licensed in another
16 state, territory, or a foreign country who is
17 accompanying a patient or patients from out-of-state,
18 for a period of less than two weeks and who is not
19 employed by or affiliated with a Hawaii health care
20 entity."

21 SECTION 5. The department of commerce and consumer affairs
22 may adopt interim rules to establish fees for the administration

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1 of this Act. All fees collected shall be deposited to the
2 credit of the compliance resolution fund established pursuant to
3 section 26-9(o), Hawaii Revised Statutes. Fees assessed shall
4 be used to carry out the purposes of this Act without regard to
5 chapter 91 or 201M, Hawaii Revised Statutes; provided that:

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

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

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

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

19 SECTION 8. There is appropriated out of the compliance
20 resolution fund the sum of \$78,426 or so much thereof as may be
21 necessary for fiscal year 2023-2024 and the same sum or so much

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1 thereof as may be necessary for fiscal year 2024-2025 to
2 implement the regulation of nurses as required by this Act.

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

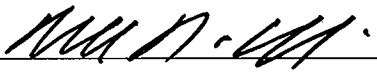
5 SECTION 9. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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Report Title:

Nurses; Registered Nurses; Licensed Practical Nurses; Licenses; Endorsement; Temporary Permits; Exceptions

Description:

Allows for temporary permits to be issued to registered nurses and licensed practical nurses, and revises the exemptions for license.

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

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO NURSES
LICENSED IN ANOTHER JURISDICTION.

PURPOSE: To clarify the issuance for a temporary permit for nurses and revise exceptions to the license requirements to allow for a nurse who accompanies a patient to Hawaii temporarily.

MEANS: Add a new section to chapter 457 and amend sections 457-7(b), 457-8(b), and 457-13, Hawaii Revised Statutes.

JUSTIFICATION: Historically, there has been a high demand for nurses in the State. The COVID-19 pandemic exacerbated the issue and nearly dwindled the State's nursing workforce to a critical low. The issuance of a temporary permit for nurses to work in this State temporarily will help mitigate the nursing shortage by streamlining the licensure process and recognizing licensure in another jurisdiction. This change would also allow time for the individual nurse to complete the regular licensing process while still being able to practice.

This bill will also allow a nurse who is licensed in another jurisdiction to accompany a patient who requires nursing care without first having to apply for and be issued a license by the Board of Nursing. For example, nurses often accompany patients for organizations such as Make-A-Wish to ensure continuity of care and appropriate care in cases of emergencies.

Impact on the public: Currently, the nursing shortage has reached a critical stage for our healthcare system. The proposed amendments would streamline the issuance of a temporary permit for nurses who could then work in Hawaii's healthcare

facilities and entities so that Hawaii residents can receive the care they need.

Impact on the department and other agencies:
The Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Branch may require an additional office assistant to process temporary permits. Interim rulemaking will be needed to establish fees for this permit.

GENERAL FUNDS: \$78,426 for fiscal year 2023-2024; same sum for fiscal year 2024-2025.

OTHER FUNDS: \$78,426, Compliance Resolution Fund for fiscal year 2023-2024.
\$78,426, Compliance Resolution Fund for fiscal year 2024-2025.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.