

ACT 237

H.B. NO. 544

A Bill for an Act Relating to Nursing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 212, Session Laws of Hawaii 1988, as amended by Act 182, Session Laws of Hawaii 1989, is amended by adding a new section to read as follows:

“SECTION 3A. Rules; adoption. The department of health may adopt rules pursuant to chapter 91 to implement this Act.”

SECTION 2. Act 212, Session laws of Hawaii 1988, as amended by Act 182, Session Laws of Hawaii 1989, is amended by amending sections 1, 2, and 3 to read as follows:

“SECTION 1. There is growing evidence that the supply of licensed nurses working in the State does not meet the present demand. As of February 1987 there were over five hundred vacancies in health care agencies throughout the State, and it [had] has been estimated that the number of vacancies would increase to [eight hundred by 1988 and nine hundred in 1989.] thirteen hundred by 1991.

Serious implications arise due to the shortage of nurses in the State. Insufficient staffing together with increased patient acuity and occupancy has a detrimental effect on the quality of nursing care. Long working hours for existing nurses affect their stamina and performance. One major hospital in Hawaii has had to close a substantial number of its surgical beds due in part to a lack of nursing staff. It is expected that other hospitals will face similar closures if the nursing shortage is not corrected. To compensate for the shortage, hospitals have found it necessary to ask nurses to work overtime and to recruit short-term contract nurses from the mainland. [Such] These actions translate to increased medical care costs but with a detrimental effect in the quality of care for the people of Hawaii. All indications are that this shortage will continue in virtually all medical care areas where nurses are needed.

Hawaii’s rapidly growing population requires that something be done to alleviate [Hawaii’s] the State’s growing nursing shortage. By [1990,] the year 2000, the department of business [and], economic development, and tourism projects that the resident population in our State will increase to [1,138,400] 1,285,100 with [another eleven] a twelve per cent increase to [1,267,800] 1,435,500 by the year [2000.] 2010. The elderly population is also showing significant growth. This group is known to utilize the health care system more than any other age group. The United States Bureau of the Census predicts that the number of frail and elderly persons eighty-five years and older will grow from 2.7 million in 1985 to 4.9 million [in] by the year 2000. By then, fifty per cent of direct care in-hospital facilities will be devoted to caring for the elderly. In

Hawaii, a projected total of [168,900] 206,200 individuals will be sixty years [and] or older by the year [1990.] 2000. In fact, the people of the State of Hawaii are known to have the longest life expectancy in the [country.] United States.

Recognizing this pressing nursing shortage, the legislature finds that there is a need for a program [which] that would immediately increase the number of licensed nurses in the State. There are many graduate nurses in Hawaii working as licensed practical nurses, nurses aides, ward clerks, doctor's secretaries, and in other similar nursing related work, who have not yet passed [the written examination required by the commission on graduates of foreign nursing schools, or] the written examination required by the state board of nursing[, or both]. The time demands of their [occupation] occupations and other socioeconomic pressures prevent them from otherwise being able to prepare adequately for the licensing [examinations.] examination. With some concerted assistance from the private sector and the State, these graduate nurses may be able to pass the written [examinations] examination and become licensed nurses. Certain hospitals in the State have indicated a willingness to assist and accommodate their qualified employees by maintaining their employment status and salary while participating in a program operated by the State to improve test taking skills and to prepare them for the nursing license [examinations.] examination. These hospitals, along with state government-operated hospitals, could serve as valuable resources in the planning and development of a nursing license preparation program by the State.

[The legislature therefore finds that it is desirable to establish and to test the effectiveness of a program designed to improve test taking skills of graduate nurses to enable them to pass the required written examinations. Review and training courses are to be held for four to six months and shall commence four to six months prior to the dates that the nursing license examinations are to be offered.]

The legislature finds that since the inception of the "Operation Nightingale" program in October 1988, a total of fifty-four students have completed the nursing license examination preparation program. Of these fifty-four students, twenty-nine have since gone on to pass the National Council Licensure Examination for Nursing (NCLEX-RN) and earn the title of "registered nurse". In addition, the legislature finds that more than one hundred twenty applicants preparing to take the NCLEX-RN examination have attended free "community review" classes offered by "Operation Nightingale" since the program's inception.

The legislature declares that it is in the public interest that the State extend the duration of its program to enable graduate nurses to pass the required written examination through content reviews, acculturation, and improvement of test taking skills.

The purpose of this Act is to [provide for the continuation and expansion of] establish as a four-year state program the "Operation Nightingale" program being operated by the department of health, which shall include the provision of classroom facilities, books and review material, instructors, and [such] any other equipment and personnel necessary and accessory for the program.

SECTION 2. Nursing license examination preparation program; established. There is established within the department of health a four-year program to be called "Operation Nightingale" [. The department of health], the purpose of which shall be to design and operate [a] review and training [course] courses to enable graduates of nursing schools to pass [the written examination required for the commission on graduates of foreign nursing schools, or] the written examination required by the state board of nursing[, or both].

Review and training courses shall be held for four to six months and shall

commence four to six months prior to the dates that the nursing license examination is to be offered.

The department of health shall provide or contract for the provision of review and training courses for:

- (1) Registered nurses who have not recently been employed as nurses to facilitate their return to active participation in the nursing profession;
- (2) Graduates of nursing schools preparing for the examination required by the state board of nursing; and
- (3) Graduates of foreign nursing schools preparing for the examination required by the state board of nursing [and the examination required by the commission on graduates of foreign nursing schools].

The department of health shall provide or contract for the provision of other alternative programs that the director of health finds necessary to assist residents of the State seeking to enter the field of nursing.

The department of health shall develop or contract for the development of refresher courses and specialty programs for nurses wishing to work in shortage areas such as obstetrics, surgery, intensive care, and emergency room care.

These programs shall provide instruction to qualified individuals. Classes may be provided at times that the director of health finds necessary, including evenings or weekends. The duration of each course may be tailored to meet the needs of the community as well as the needs of health care providers. Classes may be held at [Leahi Hospital or at such other] those sites [as] the department of health [may deem] deems appropriate.

[Additionally, the] The department of health shall establish requirements and procedures for the selection of candidates for the program[.] and for appeal by candidates not selected for the program.

Candidate selection and an appeals process for candidates not selected shall be conducted by a committee consisting of the director of health or a designated representative, the president of the University of Hawaii or a designated representative, a representative of the Hawaii nurses association, and a representative selected by the director of health from each of the medical facilities participating in the program. Any vacancy on the committee shall be filled in the same manner in which the original position was filled.

Members of the committee shall serve without compensation [and] but shall be reimbursed for necessary expenses incurred in the performance of their duties.

SECTION 3. Duration of program; reporting requirement. The [nursing license examination preparation] “Operation Nightingale” program shall operate through fiscal year [1990-1991.] 1994-1995. The department of health shall submit to the legislature not [later] less than twenty days prior to the convening of the regular sessions of [1990 and 1991] 1992, 1993, 1994, 1995, and 1996 a report [of] on the performance of the “Operation Nightingale” program and any other [matter] matters [which] that may be relevant[.] to the implementation of this Act.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1991.

(Approved June 12, 1991.)