

**ACT 234**

H.B. NO. 2818

A Bill for an Act Relating to Licensing of Nurses.

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

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

**“§457-4 Qualifications of board members.** Each member of the board shall be a resident of this State.

Registered nurse members of the board shall possess the following additional qualifications:

- (1) Graduation from a state-accredited educational program to prepare for a registered nurse and at least a bachelor's degree in nursing but preferably a graduate degree in nursing;
- (2) [Be] Have a current, unencumbered license as a registered nurse in the State; and
- (3) Have at least five years of experience after graduation in the practice of nursing as a registered nurse and at least three years of active nursing experience as a registered nurse immediately preceding appointment or reappointment.

Licensed practical nurse members of the board shall possess the following additional qualifications:

- (1) Graduation from a state-accredited educational program to prepare for a licensed practical nurse;
- (2) [Be] Have a current, unencumbered license as a licensed practical nurse in the State; and
- (3) Have at least five years of successful experience in the practice of nursing as a licensed practical nurse after graduation and at least three years of active nursing experience as a licensed practical nurse immediately preceding appointment or reappointment."

SECTION 2. Section 457-7, Hawaii Revised Statutes, is amended to read as follows:

**"§457-7 Registered nurses; qualifications; licenses; fees; title; existing licensed nurses; verification of licenses; eligibility.** (a) An applicant for a license to practice nursing as a registered nurse shall submit to the board written evidence, verified by oath or affirmation, that the applicant:

- (1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and
- (2) Has completed a nursing program approved by the Hawaii board of nursing.

(b) Licenses shall be granted either:

- (1) By examination: The applicant shall be required to pass a written examination in nursing subjects as the board may determine. Upon successfully passing the examination, the board shall issue to the applicant a license to practice nursing as a registered nurse; or
- (2) By endorsement: The board may issue a license to practice nursing as a registered nurse by endorsement to an applicant who has been licensed as a registered nurse under the laws of another state, territory, or foreign country if, in the opinion of the board, the applicant meets the qualifications required of registered nurses in this State at the time of graduation. Pending verification of a valid, unencumbered license from another state, a temporary permit may be issued for employment with a Hawaii employer.

(c) The applicant applying for a license to practice as a registered nurse by examination shall pay application and examination fees to the board and a reexamination fee for each reexamination. Each applicant who successfully passes the examination shall pay a license fee. The applicant applying for a license to practice as a registered nurse by endorsement shall pay application and license fees.

(d) Any person who holds a license to practice nursing as a registered nurse in this State shall have the right to use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall assume the title or use the abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered nurse.

(e) Any person holding a license or certificate of registration to practice nursing as a registered nurse issued by the board which is valid on June 12, 1970, shall be deemed to be licensed as a registered nurse under this chapter.

(f) Any person who requests to take the licensing examination to qualify for a license in another state shall pay an examination proctoring fee to the board.

(g) Any person who requests verification of a registered nurse license to a nursing board of another state shall pay a license verification fee.

(h) Applicants applying for a license to practice as a registered nurse by examination shall submit to the board proof of eligibility. Applicants shall be eligible to apply for a license by examination if they:

- (1) [Are] Have graduated from a registered nursing program at an educational institution in the United States or any territory or possession under the jurisdiction of the United States and are qualified as determined by the board through rules adopted pursuant to chapter 91; or
- (2) Have graduated from a registered nursing program at an educational institution in a foreign jurisdiction, [approved by the board and have successfully completed training in Operation Nightingale or a program certified by the board to be equivalent to Operation Nightingale; or
- (3) Have graduated from a registered nursing program approved by the board and are licensed practical nurses who have met the requirements of the board.] and have had their transcripts evaluated by professional evaluators designated by the board and are considered qualified as determined by the board through rules adopted pursuant to chapter 91.

[Applicants applying pursuant to paragraphs (2) or (3)] Graduates of a board-approved registered nursing program at an educational institution in a foreign jurisdiction shall not be required to take the Commission on Graduates of Foreign Nursing Schools examination[.] or an English proficiency examination.

(i) Unless determined to be insufficient or otherwise invalid by the board, all transcripts, diplomas, certificates of graduation, and other credentials submitted by any applicant in compliance with the application procedures for examination and licensure under this section shall be retained by the board and shall suffice as proof of graduation upon subsequent submittals of applications for reexamination by any applicant."

SECTION 3. Section 457-9, Hawaii Revised Statutes, is amended to read as follows:

**"§457-9 Renewal of license.** (a) The license of every person licensed under this chapter shall expire on June 30 of every odd-numbered year and shall be renewed biennially, except as provided in this section. Biennially in each odd-numbered year [on or before July 1], the board shall [mail] make available an application for renewal of license before the deadline set forth by the board to every person to whom a license was issued or renewed during the biennium. The applicant shall [fill in] complete the application [blank] and [return] submit it to the board with a renewal fee and any required documents on or before [June 30.]

the deadline set forth by the board. The applicant shall provide documents from proper agencies or parties relating to any disciplinary action taken or pending in this State or any other state in the United States or any territory or possession under the jurisdiction of the United States within the two years prior to application for renewal of license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the biennium [beginning July 1 and] expiring two years hence on [June 30.] the deadline set forth by the board. The renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the renewal form.

(b) Any licensee who [allows a license to lapse by failing] fails to renew [the] a license as provided in subsection (a) but continues to practice shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this chapter; provided that the person's license may be reinstated by the board on satisfactory explanation of the failure to renew and on payment of the renewal fee and a penalty fee.

[Any person practicing nursing during the time the person's license has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violations of this chapter.]

A nurse who fails to renew a license as provided in subsection (a) and does not engage in nursing in the State [during the succeeding] for one year after the license has been forfeited shall not be required to pay the renewal or penalty fee [as long as]; provided that the nurse remains inactive[.] during that year. Should the nurse wish to resume nursing at some future time, the nurse shall [so] notify the board and remit the renewal fee [for the current biennial period.] and application form as provided in subsection (a)."

SECTION 4. Section 457-14, Hawaii Revised Statutes, is amended to read as follows:

**"§457-14 Violations of chapter; penalties.** It shall be a misdemeanor for any person, including any corporation, association, or individual to:

- (1) Sell or fraudulently obtain or furnish any nursing diploma, license, renewal, or record or aid or abet therein; or
- (2) Practice nursing as defined by this chapter under cover of any diploma, license, or record illegally or fraudulently signed or issued unlawfully or under fraudulent representation; or
- (3) Practice nursing as a registered or as a licensed practical nurse unless licensed to practice under this chapter; or
- (4) Use in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter; or
- (5) Practice nursing as a registered nurse or as a licensed practical nurse during the time the person's license issued under this chapter is suspended or revoked; or
- (6) Conduct a nursing education program not accredited by the board to prepare for a registered nurse or licensed practical nurse unless the program has been accredited by the board; or
- (7) Otherwise violate any provision of this chapter.

Any of these misdemeanors shall be punishable by a fine of not more than \$500 for a first offense. Each subsequent offense shall be [fined] punishable by a fine of not more than \$1,000 or [imprisoned] imprisonment of not more than one year, or both."

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SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 17, 1992.)