

ACT 198

H.B. NO. 422

A Bill for an Act Relating to a Center for Nursing.

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

SECTION 1. The legislature finds that there is a need for a state center for nursing to ensure the quality of healthcare for the people of Hawaii. The center can proactively address issues of the State's current and future shortage of registered nurses and others within the healthcare workforce that provide nursing care. In particular, the primary nursing workforce issues are the supply and demand for nursing services, recruitment and retention of nurses and other healthcare personnel, and the development of a strategic plan.

The purpose of this Act is to establish a center for nursing to address nursing workforce issues.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
CENTER FOR NURSING**

§ -1 Center for nursing; established. (a) There is established within the University of Hawaii school of nursing and dental hygiene, a center for nursing.

(b) The dean of the school of nursing and dental hygiene, or the dean's designee, shall direct the activities of the center for nursing. There shall be an advisory board comprised of fifteen members appointed by the governor pursuant to section 26-34 to staggered terms as follows:

- (1) Five members from the business and labor community:
 - (A) One of whom shall represent the Healthcare Association of Hawaii;
 - (B) Two of whom shall represent other business entities; and
 - (C) Two of whom shall represent labor organizations;
- (2) Five members from the nursing profession:
 - (A) One of whom shall represent the American Organization of Nurse Executives;
 - (B) One of whom shall represent the Hawaii Government Employees Association; and
 - (C) Three of whom shall represent the Hawaii Nurses' Association, professional component;
- (3) Two members from among the State's nurse educators:
 - (A) One of whom shall be a doctorally-prepared nurse educator; and
 - (B) The other, a doctorally-prepared nurse researcher; and
- (4) Three members from community agencies or consumer groups with an interest in healthcare.

(c) The members of the advisory board for the center for nursing shall serve without compensation.

§ **-2 Board; powers and duties.** The advisory board of the center for nursing shall have the powers and duty to:

- (1) Employ an executive director and no more than two other staff positions, at least one of whom shall be an independent doctorally-prepared nurse researcher;
- (2) Adopt a mission statement and operational policy;
- (3) Elect a chairperson;
- (4) Establish committees of the board as needed;
- (5) Seek input from individuals and community groups interested in the issue of nursing shortages;
- (6) Implement the major functions of the center for nursing; and
- (7) Seek and accept nonstate funds for carrying out the mission of the center for nursing.

§ **-3 Functions of the center.** The center for nursing shall:

- (1) Collect and analyze data and prepare and disseminate written reports and recommendations regarding the current and future status and trends of the nursing workforce;
- (2) Conduct research on best practices and quality outcomes;
- (3) Develop a plan for implementing strategies to recruit and retain nurses; and
- (4) Research, analyze, and report data related to the retention of the nursing workforce.

§ **-4 Collaboration.** The University of Hawaii school of nursing and dental hygiene, the state board of nursing, other schools of nursing within the State, professional nursing organizations, employers in the healthcare industry, and labor unions representing nurses and healthcare workers shall collaborate with the center for nursing and provide workforce data to the center for nursing when requested.

§ **-5 Center for nursing special fund.** There is established in the treasury of the State a center for nursing special fund into which shall be deposited any legislative appropriations, federal or private grants, and any other funds collected for the purposes of this chapter. The fund shall be administered by the board of regents of the University of Hawaii, and moneys in the fund shall be expended to support the center's activities."

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

“§457- **Center for nursing fee.** Upon the issuance of a new license and at each license renewal period, each nurse shall pay an additional fee of \$40, which shall be deposited in a separate account in the compliance resolution fund established pursuant to section 26-9(o).”

SECTION 4. Section 36-27, Hawaii Revised Statutes, is amended to read as follows:

“§36-27 **Transfers from special funds for central service expenses.** Except as provided in this section, and notwithstanding any other law to the contrary, from time to time, the director of finance, for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, except the:

- (1) Special out-of-school time instructional program fund under section 302A-1310;
- (2) School cafeteria special funds of the department of education;
- (3) Special funds of the University of Hawaii;
- (4) State educational facilities improvement special fund;
- (5) Convention center enterprise special fund under section 201B-8;
- (6) Special funds established by section 206E-6;
- (7) Housing loan program revenue bond special fund;
- (8) Housing project bond special fund;
- (9) Aloha Tower fund created by section 206J-17;
- (10) Domestic violence prevention special fund under section 321-1.3;
- (11) Spouse and child abuse special account under section 346-7.5;
- (12) Spouse and child abuse special account under section 601-3.6;
- (13) Funds of the employees' retirement system created by section 88-109;
- (14) Unemployment compensation fund established under section 383-121;
- (15) Hawaii hurricane relief fund established under chapter 431P;
- (16) Hawaii health systems corporation special funds;
- (17) Boiler and elevator safety revolving fund established under section 397-5.5;
- (18) Tourism special fund established under section 201B-11;
- (19) Department of commerce and consumer affairs' special funds;
- (20) Compliance resolution fund established under section 26-9;
- (21) Universal service fund established under chapter 269;
- (22) Integrated tax information management systems special fund under section 231-3.2;
- (23) Hawaii tobacco settlement special fund under section 328L-2;
- (24) Emergency and budget reserve fund under section 328L-3;
- (25) Probation services special fund under section 706-649;
- (26) High technology special fund under section 206M-15.5;
- (27) Public schools special fees and charges fund under section 302A-1130(f);
- (28) Cigarette tax stamp enforcement special fund established by section 28-14;
- (29) Cigarette tax stamp administrative special fund established by section 245-41.5;
- (30) Tobacco enforcement special fund established by section 28-15;
- (31) Sport fish special fund under section 187A-9.5;
- (32) Neurotrauma special fund under section 321H-4;
- (33) Deposit beverage container deposit special fund under section 342G-104; [and]
- (34) Glass advance disposal fee special fund established by section 342G-82; and
- (35) Center for nursing special fund under section -5,

shall deduct five per cent of all receipts of all other special funds, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year.”

SECTION 5. Section 36-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a) Each special fund, except the:
- (1) Transportation use special fund established by section 261D-1;
 - (2) Special out-of-school time instructional program fund under section 302A-1310;
 - (3) School cafeteria special funds of the department of education;
 - (4) Special funds of the University of Hawaii;
 - (5) State educational facilities improvement special fund;
 - (6) Special funds established by section 206E-6;
 - (7) Aloha Tower fund created by section 206J-17;
 - (8) Domestic violence prevention special fund under section 321-1.3;
 - (9) Spouse and child abuse special account under section 346-7.5;
 - (10) Spouse and child abuse special account under section 601-3.6;
 - (11) Funds of the employees’ retirement system created by section 88-109;
 - (12) Unemployment compensation fund established under section 383-121;
 - (13) Hawaii hurricane relief fund established under chapter 431P;
 - (14) Convention center enterprise special fund established under section 201B-8;
 - (15) Hawaii health systems corporation special funds;
 - (16) Tourism special fund established under section 201B-11;
 - (17) Compliance resolution fund established under section 26-9;
 - (18) Universal service fund established under chapter 269;
 - (19) Integrated tax information management systems special fund under section 231-3.2;
 - (20) Hawaii tobacco settlement special fund under section 328L-2;
 - (21) Emergency and budget reserve fund under section 328L-3;
 - (22) Probation services special fund under section 706-649;
 - (23) High technology special fund under section 206M-15.5;
 - (24) Public schools special fees and charges fund under section 302A-1130(f);
 - (25) Cigarette tax stamp enforcement special fund established by section 28-14;
 - (26) Cigarette tax stamp administrative special fund established by section 245-41.5;
 - (27) Tobacco enforcement special fund established by section 28-15;
 - (28) Sport fish special fund under section 187A-9.5; and
 - (29) Neurotrauma special fund under section 321H-4; and
 - (30) Center for nursing special fund under section -5,

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned.”

SECTION 6. The director of commerce and consumer affairs shall disburse on a quarterly basis from the compliance resolution fund, established pursuant to section 26-9(o), to the credit of the center for nursing special fund all moneys deposited in the separate account established pursuant to section 457-

SECTION 7. There is appropriated out of the center for nursing special fund the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2003-2004 and the same sum or so much thereof as may be necessary for fiscal year 2004-2005 to the center for nursing to perform its duties under this Act.

The sums appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 8. There is appropriated out of the compliance resolution fund the sum of \$5,000 or so much thereof as may be necessary for fiscal year 2003-2004 to be deposited to the credit of the center for nursing special fund; provided that this sum shall be reimbursed from the center for nursing special fund to the compliance resolution fund by July 1, 2004.

SECTION 9.¹ The center for nursing shall submit a status report on its activities to the legislature no later than twenty days prior to the convening of the regular session of 2004.²

SECTION 10.¹ This Act shall take effect on July 1, 2003; provided that the amendments made to section 36-27, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted pursuant to Act 142, Session Laws of Hawaii 1998; and provided further that sections 3 and 6 shall be repealed on July 1, 2009.

(Approved June 24, 2003.)

Notes

1. Section number redesignated.
2. No Ramseyer clause.