

ACT 88

S.B. NO. 2899

A Bill for an Act Relating to Nurses.

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

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

“**§457-1 Purpose.** In order to safeguard life and health, any person practicing or offering to practice as an advanced practice registered nurse, a registered nurse, or [as] a licensed practical nurse in this State for compensation[;] shall be required to submit evidence that the person is qualified to so practice, and shall be recognized or licensed as provided in this chapter. It shall be unlawful for any person not recognized or licensed under this chapter to practice or offer to practice nursing as an advanced practice registered nurse, a registered nurse,<sup>1</sup> or [as] a licensed practical nurse; or to use any sign, card, or device, or in any manner [tø] indicate or imply that the person is an advanced practice registered nurse, a registered nurse,<sup>1</sup> or a licensed practical nurse.”

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 an application on a form prescribed by the board and shall provide written evidence that the applicant has completed a nursing program approved by the [Hawaii] board [of nursing].

(b) Licenses shall be granted either[:] by:

(1) [~~By examination:~~] Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board [may determine]. Upon [~~successfully passing~~] the applicant’s passage of the examination[,:] and compliance with the applicable requirements of this chapter and the rules of the board, the board shall issue to the applicant a license to practice nursing as a registered nurse; or

(2) [~~By endorsement:~~] 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[:] the applicant has an unencumbered license and, 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:~~] fees, if applicable, as prescribed by the board. 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 “nurse” or in any manner imply that the person is a nurse except as provided in sections 457-8 and 457-8.5 or use the abbreviation “R.N.” 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) (e) Any person who requests verification of a registered nurse license to a nursing board of another state shall pay a license verification fee.~~

~~[(h) (f) 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[:]~~ have:

(1) [~~Have graduated~~] 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~~] Graduated from a registered nursing program at an educational institution in a foreign jurisdiction, 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.

~~[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.]~~

~~[(f)] (g)~~ 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 for two years and shall suffice as proof of graduation upon subsequent submittals of applications for reexamination within two years by any applicant.”

SECTION 3. Section 457-8, Hawaii Revised Statutes, is amended to read as follows:

**“§457-8 Licensed practical nurse; qualifications; license; fees; title; existing licensed nurses; verification of licenses~~[-]~~; eligibility.** (a) An applicant for a license to practice nursing as a licensed practical nurse shall submit an application on a form prescribed by the board and shall provide written evidence that the applicant has completed a licensed practical nurse program, or its equivalent, approved by the board, and holds a diploma or certificate therefrom.

(b) Licenses shall be granted either~~[-]~~ by:

- (1) ~~[By examination:]~~ Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board ~~[may determine]~~. Upon ~~[successfully passing]~~ the applicant's passage of the examination~~[-]~~ and compliance with the applicable requirements of this chapter and the rules of the board, the board shall issue to the applicant a license to practice nursing as a licensed practical nurse; or
- (2) ~~[By endorsement:]~~ Endorsement: The board may issue a license to practice nursing as a licensed practical nurse by endorsement to any applicant who has been licensed as a licensed practical nurse, or a person entitled to perform similar services under a different title, under the laws of another state, territory, or foreign country if~~[-]~~ the applicant has an unencumbered license and, in the opinion of the board, the applicant meets the requirements for licensed practical 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 licensed practical nurse by examination shall pay application ~~[and]~~, examination ~~[fees to the board]~~, and ~~[a]~~ reexamination ~~[fee for each reexamination-]~~ fees, if applicable, as prescribed by the board. Each applicant who successfully passes the examination shall pay a license fee. The applicant applying for a license to practice as a licensed practical nurse by endorsement shall pay application and license fees.

(d) Applicants who have graduated from a practical nursing program at an educational institution in a foreign jurisdiction and are applying for a license to practice as a licensed practical nurse by examination shall submit to the board proof of eligibility. Applicants shall be eligible to apply for a license by examination if they have met the educational requirements prescribed in the rules 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.

~~[(d)] (e)~~ Any person who holds a license to practice nursing as a licensed practical nurse in this State shall have the right to use the title “Licensed Practical Nurse” and the abbreviation “L.P.N.”. No other person shall assume the title

“nurse” or in any manner imply that the person is a nurse except as provided in sections 457-7 and 457-8.5 or use the abbreviation “L.P.N.” or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

~~[(e) Any person holding a license to practice nursing as a licensed practical nurse issued by the board which is valid on June 12, 1970, shall be deemed to be licensed as a licensed practical 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) (f) Any person who requests verification of a practical nurse license to a nursing board of another state shall pay a license verification fee.~~

(g) 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 for two years and shall suffice as proof of graduation upon subsequent submittals of applications for reexamination within two years by any applicant.’’

SECTION 4. Section 457-8.5, Hawaii Revised Statutes, is amended to read as follows:

**“§457-8.5 Advanced practice registered nurse; qualifications; recognition; endorsement; fees~~[-]~~; eligibility.** (a) The board shall grant recognition as an advanced practice registered nurse; provided the nurse has:

- (1) A current, unencumbered license as a registered nurse in this State;
- (2) An unencumbered license as a registered nurse in all other states in which the nurse has a current and active license;
- (3) An unencumbered recognition as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active recognition as an advanced practice registered nurse;
- (4) A master’s degree in nursing as specified in rules adopted by the board or a current certification for specialized and advanced nursing practice from a national certifying body recognized by the board; provided that certified nurse midwives shall [have] maintain current certification from a national certifying body recognized by the board; and
- (5) Paid the appropriate fees.

(b) The board shall [grant] require certified nurse midwives to meet the requirements of subsection (a) in order to obtain recognition and maintain recognition as [an] advanced practice registered [nurse to a certified nurse midwife who meets the requirements of subsection (a)-.] nurses.

(c) [Any] Only a person who has a current, unencumbered recognition from the board to practice as an advanced practice registered nurse shall use the title “Advanced Practice Registered Nurse” and the abbreviation “A.P.R.N.” ~~[-or specialty title and abbreviation in accordance with rules adopted by the board].~~ No other person shall assume the title “nurse” or in any manner imply that the person is a nurse except as defined in section 457-2 or as provided in sections 457-7 and 457-8 or use the abbreviation “A.P.R.N.” or any other words, letter, sign, or device to indicate that the person using the same is an advanced practice registered nurse. Nothing in this section shall preclude a registered nurse who is not recognized by the board as an advanced practice registered nurse and who is currently certified by a national certifying body recognized by the board from using another title designated by certification.’’

SECTION 5. Section 457-8.6, Hawaii Revised Statutes, is amended to read as follows:

**“§457-8.6 Prescriptive authority for advanced practice registered nurses.** The board shall grant prescriptive authority to qualified advanced practice registered nurses and shall designate the requirements for advanced nursing practice related to prescriptive authority. The board of medical examiners shall submit an annual report of all amendments made to the formularies to the board [of nursing].”

SECTION 6. Section 457-9, Hawaii Revised Statutes, is amended to read as follows:

**“§457-9 Renewal of license; denial, suspension, or revocation of license for default of student loan, student loan repayment contract, or scholarship contract.** (a) The license of every person licensed ~~[under this chapter],~~ recognized, or granted prescriptive authority 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, the board shall 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 complete the application and submit it to the board with a renewal fee and ~~[any]~~ all required documents on or before the deadline set ~~[forth]~~ by the board. The applicant shall provide documents from proper agencies or parties ~~[relating to]~~ of any criminal conviction or 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 expiring two years hence on 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 fails to renew 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 restored by the board on satisfactory explanation of the failure to renew and on payment of the renewal fee and a penalty fee.

~~[A nurse who fails to renew a license as provided in subsection (a) and does not engage in nursing in the State for one year after the license has been forfeited shall not be required to pay the renewal or penalty fee; provided that the nurse remains inactive during that year.]~~ Should the nurse wish to resume nursing at some future time, the nurse shall notify the board in writing and remit the renewal fee and application form as provided in subsection (a). A nurse who has not actively practiced in this State or any other state in the United States or any territory or possession under the jurisdiction of the United States for more than five years may be required by the board to submit proof of continued competency by retaking and passing the licensing examination.

(c) Notwithstanding any provision in this chapter to the contrary, the board shall not renew or reinstate, or shall deny or suspend, any license or application~~;~~ if the board has received certification from an administering entity pursuant to chapter 436C that the licensee or applicant is in default or breach of any obligation under any student loan, student loan repayment contract, or scholarship contract that financed the licensee’s or applicant’s education, or has failed to comply with a repayment plan.

The board in receipt of a certification pursuant to chapter 436C ~~[shall],~~ as applicable, and without further review or hearing~~;~~, shall:

- (1) Suspend the license;
- (2) Deny the application or request for renewal of the license; or
- (3) Deny the request for reinstatement of the license,

and unless otherwise provided by law, shall renew, reinstate, or grant the license only upon receipt of an authorization from the administering entity.”

SECTION 7. Section 457-11, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c), to read as follows:

“(a) An institution desiring to conduct a nursing education program to prepare for the practice of nursing advanced practice registered nurses, registered nurses, or licensed practical nurses shall apply to the board and submit evidence that~~[:]~~ it is prepared to:

- (1) ~~[It is prepared to carry]~~ Carry out a program in ~~[undergraduate]~~ advanced practice nursing, registered nursing ~~[education or a program in the training of nurses as],~~ or licensed practical ~~[nurses, as the case may be;]~~ nursing; and
- (2) ~~[It is prepared to meet]~~ Meet the standards as shall be established by law and by the board.

~~(b) [A survey of the institution and its undergraduate or practical nursing program shall be made by the executive secretary or other authorized employee of the board, who shall submit a written report of the survey to the board.]~~ If, in the opinion of the board, the ~~[[]requirements[]]~~ for an approved nursing education program are met, the program shall be approved as a nursing education program for advanced practice, registered, or licensed practical nurses.

(c) The approval standards shall include qualifications necessary for administrators and faculty members of the nursing education program; provided that the standards shall not include a requirement that each individual faculty member receive approval of the board prior to teaching in the program. The qualifications shall be reasonable and relevant to the proper teaching of the practice of nursing. In establishing the qualifications, the board shall consult with the University of Hawaii.”

SECTION 8. Act 192, Session Laws of Hawaii 2002, as amended by Act 3, section 27, Session Laws of Hawaii 2003, is amended by amending section 5 to read as follows:

“SECTION 5. This Act shall take effect on July 1, 2002, and shall be repealed on June 30, 2004~~[-, except];~~ provided that title 16, chapter 89C, Hawaii administrative rules, shall remain in effect until the board of nursing adopts rules pursuant to section 2 of this Act; and provided further that the amendments made to section 457-8.6, Hawaii Revised Statutes, in section 1 shall ~~[be reenacted in the form in which it read on the day before the effective date of this Act.]~~ not be repealed.”

SECTION 9. The board of nursing shall submit a report to the legislature no later than twenty days prior to the convening of the 2005 regular session with findings resulting from research on the matter relating to the Commission on Graduates of Foreign Nursing Schools examination and the English proficiency examination, their impact on nurse applicants; whether there is data indicating a correlation between requiring either or both examinations and an increase in communication skills at the workplace; and the effect of that requirement on the nurse shortage and licensure.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

## **ACT 88**

**SECTION 11.** This Act shall take effect upon its approval.

(Approved May 25, 2004.)

### **Note**

1. Comma should be underscored.