

ACT 255

S.B. NO. 2103

A Bill for an Act Relating to Health.

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

SECTION 1. The legislature finds that physician assistants, licensed practical nurses, and registered nurses provide valuable medical care to patients under the orders of licensed physicians. Licensed practical nurses and registered nurses currently must use reasonable judgment in carrying out the prescribed medical orders of a licensed dentist, medical doctor, osteopathic physician, or podiatrist, or the orders of an advanced practice registered nurse. The legislature also finds that the relevant statutory language fails to explain whether licensed practical nurses and registered nurses are required to administer orders given by physician assistants. That lack of clarity has led to confusion between hospital administrators and nurses when physician assistants write or give verbal orders in a hospital setting.

The purpose of this Act is to clarify that licensed practical nurses and registered nurses are required to use reasonable judgment in carrying out the orders of a licensed physician assistant practicing with physician supervision, and acting as an agent of the supervising physician.

SECTION 2. Section 457-2, Hawaii Revised Statutes, is amended by amending the definitions of “the practice of nursing as a licensed practical nurse” and “the practice of nursing as a registered nurse” to read as follows:

““The practice of nursing as a licensed practical nurse” means the performance of those acts commensurate with the required educational preparation and demonstrated competency of the individual, whereby the individual shall be accountable and responsible to the consumer for the quality of nursing care rendered. The foregoing may include, but shall not be limited to: implementation of basic nursing procedures in the plan of care; observing and caring for individuals at all levels of the health spectrum, giving counsel and acting to safeguard life and health and functioning as a part of the health care team, under the direction of a dentist, physician, osteopathic physician, registered nurse, or podiatrist licensed in accordance with chapter 448, 453, 457, or 463E[-]; or under the orders of a physician assistant licensed pursuant to chapter 453, practicing with physician supervision as required by chapter 453, and acting as the agent of the supervising physician; administration of treatment and medication as prescribed; promotion of health maintenance of individuals, families, or groups; or teaching and supervision of auxiliary personnel.

“The practice of nursing as a registered nurse” means the performance of professional services commensurate with the educational preparation and demonstrated competency of the individual having specialized knowledge, judgment, and skill based on the principles of the biological, physical, behavioral, and sociological sciences and nursing theory, whereby the individual shall be accountable and responsible to the consumer for the quality of nursing care rendered. The foregoing may include but shall not be limited to observation, assessment, development, implementation, and evaluation of a plan of care, health counseling, supervision and teaching of other personnel, and teaching of individuals, families, and groups in any stage of health or illness; administration, supervision, coordination, delegation, and evaluation of nursing practice; provision of health care to the patient in collaboration with other members of the health care team as autonomous health care professionals providing the nursing component of health care; or use of reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, or podiatrist licensed in accordance with chapter 448, 453, or 463E [~~or the~~]; orders of an advanced practice registered nurse recognized in accordance with this chapter[-]; or the orders of a physician assistant licensed pursuant to chapter 453, practicing with physician supervision as required by chapter 453, and acting as the agent of the supervising physician.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval and shall be repealed on July 1, 2017; provided that the definitions of “the practice of nursing as a licensed practical nurse” and “the practice of nursing as a registered nurse” under section 457-2, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.

(Approved July 6, 2012.)