

ACT 127

H.B. NO. 354

A Bill for an Act Relating to Nurses.

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

SECTION 1. The legislature finds that the requirement of all candidates for an initial nurse license to pass a national examination has resulted in the consistent practice of quality health care services administered to the public. This examination safeguards the quality of health care practices by ensuring that each candidate possesses the minimum competencies necessary for a newly licensed, entry-level registered or practical nurse to perform work safely and effectively. Despite the clear benefits of this safeguard, continuing competency requirements are not currently instituted for nurse licensure renewal applications in the State.

The legislature also finds that in today's health care environment, knowledge of the latest developments in the profession is a crucial means by which nursing duties are safely and effectively fulfilled. New health care systems are emerging and redoubling the challenge of licensure boards to assure consumers that licensed nurses shall remain competent for the duration of their practice. The legislature further finds the most efficient means to ensure patient safety is

to require Hawaii-licensed nurses to complete continuing competency requirements prior to any application for license renewal, restoration, or reinstatement.

Accordingly, the purpose of this Act is to require all non-exempt licensed registered nurses and licensed practical nurses to complete continuing competency requirements prior to the submission of an application for license renewal, restoration, or reinstatement, beginning on July 1, 2017.

SECTION 2. Chapter 457, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§457- Continuing competency requirements; exemptions; extensions; records retention; audit. (a) Beginning July 1, 2017, with the renewal of the licensing biennium, and every biennial renewal thereafter, each registered nurse and practical nurse licensee shall have completed one of the learning activity options recognized by the board within the two-year period preceding the renewal date, in addition to the requirements of section 457-9.

(b) The following nurses shall be exempt from the continuing competency requirements:

- (1) Registered nurses licensed in this State who also maintain active advanced practice registered nurse licenses in accordance with this chapter and have a current national certification approved by the board;
- (2) Registered nurses and practical nurses licensed in this State who also maintain current national certification, approved by the board, in their practice role; or
- (3) A licensee who graduated or completed pre-licensure requirements from an accredited nursing program recognized by the board within twelve months prior to the renewal date of the licensee's first license renewal period.

If a licensee graduated or completed pre-licensure requirements from an accredited nursing program more than twelve months but less than two years prior to the renewal date, the registered nurse or practical nurse licensee shall be required to obtain fifteen contact hours of continuing education, one semester credit of post-licensure academic education related to nursing practice from an accredited nursing program, completion of a board-recognized nurse residency program, or other learning activity options from an approved provider recognized by the board prior to the first renewal period.

(c) The board may extend the deadline for compliance with the continuing competency requirements and shall consider each case on an individual basis. Prior to the expiration of the license, a nurse licensee may submit a written request for an extension and any documentation requested by the board to substantiate the reason for the extension of the deadline for compliance with the continuing competency requirements of this section, based on the following circumstances:

- (1) Illness, as certified by a physician or osteopathic physician licensed under chapter 453 or advanced practice registered nurse licensed under chapter 457 in the jurisdiction in which the licensee was treated; or
- (2) Military service under extended active duty with the armed forces of the United States.
- (d) Each licensee shall maintain copies of the licensee's continuing competency records for the past four years or two previous bienniums.

(e) Upon application for license renewal, restoration, or reinstatement, each licensee shall have complied with and attest to completion of one of the

learning activity options recognized by the board pursuant to subsection (a) during the two years preceding the application for license renewal, restoration, or reinstatement and shall be prepared to submit evidence of completion if requested by the board.

(f) The board may conduct an audit to determine compliance with the continuing competency requirement. The board shall provide written notice of an audit to all licensees selected for audit. Within sixty days of notification, the licensee shall provide the board with documentation verifying compliance with continuing competency requirements.

§457- Learning activity options. (a)¹ The successful completion of one of the following shall meet the learning activity options requirements for continuing competency:

- (1) National certification or recertification related to the nurse's practice role;
- (2) Thirty contact hours of continuing education activities;
- (3) Completion of a board approved refresher course;
- (4) Completion of a minimum of two semester credits of post-licensure academic education related to nursing practice from an accredited nursing program;
- (5) Participation as a preceptor, for at least one nursing student or employee transitioning into new clinical practice areas for at least one hundred twenty hours, in a one-to-one relationship as part of an organized preceptorship program; provided that the licensee may precept more than one student or employee during the one hundred twenty hours and shall be evidenced by documentation of hours completed and objectives of the preceptorship by the institution supervising the student;
- (6) Completion as principal or co-principal investigator of a nursing research project that is an institution review board project or evidence-based practice project that has been preapproved by the board;
- (7) Authoring or coauthoring a peer reviewed published nursing or health-related article, book, or book chapter;
- (8) Developing and conducting a nursing education presentation or presentations totaling a minimum of five contact hours of actual organized instruction that qualifies as continuing education;
- (9) Completion of a board-recognized nurse residency program; or
- (10) A similar type of learning activity option; provided that the type of activity shall be recognized by the board."

SECTION 3. Section 457-2, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

"Competency" means the ability of a nurse to integrate knowledge, skills, judgment and personal attributes to practice safely and ethically in the professional nursing position and in accordance with the scope of nationally recognized nursing practices.

"Contact hour" means the same as section 16-89-2, Hawaii Administrative Rules.

"Continuing competency" means the long-term educational and professional process by which an individual undertakes and documents with verifiable evidence a personal learning plan that encompasses a periodic self-assessment of personal strengths and weaknesses as present in the individual's practice as a

nurse as well as a commitment to furthering the individual's professional knowledge relating to the nursing field."

SECTION 4. Section 457-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In addition to any other actions authorized by law, the board shall have the power to deny, revoke, limit, or suspend any license to practice nursing as a registered nurse or as a licensed practical nurse applied for or issued by the board in accordance with this chapter, and to fine or to otherwise discipline a licensee for any cause authorized by law, including but not limited to the following:

- (1) Fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse or as a licensed practical nurse;
- (2) Gross immorality;
- (3) Unfitness or incompetence by reason of negligence, habits, or other causes;
- (4) Habitual intemperance, addiction to, or dependency on alcohol or other habit-forming substances;
- (5) Mental incompetence;
- (6) Unprofessional conduct as defined by the board in accordance with its own rules;
- (7) Wilful or repeated violation of any of the provisions of this chapter or any rule adopted by the board;
- (8) Revocation, suspension, limitation, or other disciplinary action by another state of a nursing license for reasons as provided in this section;
- (9) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a nurse, notwithstanding any statutory provision to the contrary;
- (10) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;
- (11) Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement of fact[;], including a false attestation of compliance with continuing competency requirements;
or
- (12) Violation of the conditions or limitations upon which any license is issued."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

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

(Approved June 19, 2015.)

Notes

1. No subsection (b).
2. Edited pursuant to HRS §23G-16.5.