

**ACT 92**

S.B. NO. 2861

A Bill for an Act Relating to the Joint Formulary Advisory Committee.

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

SECTION 1. The legislature finds that the joint formulary advisory committee established by the department of commerce and consumer affairs should be repealed because it is obsolete and unnecessary in recommending the applicable formulary for advanced practice registered nurses with prescriptive authority.

The board of nursing is the authority that determines the qualifications and scope of practice of advanced practice registered nurses with prescriptive authority, and the board is already the authority that determines the applicable

formulary or exclusionary formulary for licensees under its authority. If necessary, the board of nursing may consult with other boards, such as the board of pharmacy or Hawaii medical board, on questions pertaining to prescription drugs. Other resources, such as the National Council of State Boards of Nursing, also have information on other states' nurse practice acts.

The purpose of this Act is to repeal the joint formulary advisory committee established by the department of commerce and consumer affairs.

SECTION 2. Section 457-8.6, Hawaii Revised Statutes, is amended to read as follows:

**“§457-8.6 Prescriptive authority for advanced practice registered nurses.**

(a) 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 shall determine the exclusionary formulary for qualified advanced practice registered nurses who are granted prescriptive authority.

~~[(b) The department of commerce and consumer affairs shall establish a joint formulary advisory committee composed of:~~

- ~~(1) Two persons licensed as advanced practice registered nurses and appointed by the board;~~
- ~~(2) Two persons licensed in medicine by the Hawaii medical board and appointed by the Hawaii medical board;~~
- ~~(3) Three persons licensed as pharmacists and appointed by the board of pharmacy;~~
- ~~(4) One representative of the University of Hawaii John A. Burns school of medicine appointed by the dean of the University of Hawaii John A. Burns school of medicine; and~~
- ~~(5) One representative from a school of nursing with an advanced practice registered nurse program.~~

~~The joint formulary advisory committee shall recommend the applicable formulary for persons recognized under this section. The board shall consider the recommendations of the joint formulary advisory committee in adopting the formulary.~~

~~(e)]~~ (b) The board shall establish requirements for advanced practice registered nurses' education, experience, and national certification pursuant to rules adopted in accordance with chapter 91.

~~[(d)]~~ (c) Advanced practice registered nurses shall be considered qualified if they have met the requirements of section 457-8.5(a), and have met the advanced pharmacology requirements for initial prescriptive authority pursuant to rules adopted by the board. Only qualified advanced practice registered nurses authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources and, only as appropriate to the practice specialty in which the advanced practice ~~[[registered]]~~ nurse is qualified, may:

- (1) Prescribe and administer over the counter drugs, legend drugs, and controlled substances pursuant to this chapter and to chapter 329 and request, receive, and dispense manufacturers' prepackaged samples of over the counter and non-controlled legend drugs to patients under their care; provided that an advanced practice registered nurse shall not request, receive, or sign for professional controlled substance samples;
- (2) Prescribe, order, and dispense medical devices and equipment; and

- (3) Plan and initiate a therapeutic regimen that includes nutritional, diagnostic, and supportive services including home health care, hospice, and physical and occupational therapy.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 21, 2016.)