

ACT 203

H.B. NO. 1758

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 there is a nurse shortage in the State that has been exacerbated by the coronavirus disease 2019 pandemic. According to the department of commerce and consumer affairs, almost five thousand nurses left the field between 2019 and mid-year 2021, shrinking the total active workforce from 33,410 in 2019 to 28,548 in 2021.

The legislature further finds that experienced, highly qualified nurses from other states, territories, or foreign countries may wish to relocate to Hawaii. Certain qualified applicants for licensure by endorsement who are licensed in another state are eligible for a temporary permit to practice in the State while their applications are verified and reviewed. Expanding the eligibility for a temporary permit to certain registered nurses and qualified licensed practical nurses from other territories and foreign jurisdictions will enable more qualified health care professionals to quickly find employment and enter into the State's health care field.

The purpose of this Act is to allow for temporary permits to be issued to registered nurses and licensed practical nurses from a territory or foreign country that are seeking a state license by endorsement.

SECTION 2. Section 457-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Licenses shall be granted either by:

- (1) Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board. Upon 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) 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, territory, or foreign country, a temporary permit may be issued for employment with a Hawaii employer.”

SECTION 3. Section 457-8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Licenses shall be granted either by:

- (1) Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board. Upon 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) 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, territory, or foreign country, a temporary permit may be issued for employment with a Hawaii employer.”

SECTION 4. Section 457-13, Hawaii Revised Statutes, is amended to read as follows:

“§457-13 **Exceptions.** This chapter does not prohibit:

- (1) The furnishing of nursing assistance in an emergency;
- (2) The practice of nursing ~~[which]~~ that is incidental to ~~[their]~~ the program of study engaged in by students enrolled in nursing education programs accredited by the board;
- (3) The practice of nursing under a nonrenewable permit by:
 - (A) A graduate of; or

- (B) An applicant who has provided proof that the applicant has completed the entire educational curriculum required for graduation for a nursing license from, a school ~~[which]~~ that is in or under the jurisdiction of the United States, ~~a territory, or a foreign jurisdiction,~~ and whose accreditation is recognized by the board; provided that following completion of (A) or (B), the candidate takes the first licensing examination scheduled by any board of nursing recognized by the board and has submitted to the board an application for a license to practice nursing in ~~[this]~~ the State; and provided further that the permit shall be valid for three months or until the results of the licensing examination are received by the board;
- (4) The practice of any legally qualified nurse of another state who is employed by the United States or any bureau, division, or agency thereof, while in the discharge of the nurse's official duties;
- (5) The practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination, provided that no person practicing such nursing claims to practice as a registered nurse or a licensed practical nurse; or
- (6) The administration of oral and topical medication and in emergency situations, other premeasured medication, by school health aides as provided in section ~~[321-242.]~~ 302A-853."

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

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

(Approved June 27, 2022.)