

## CHAPTER 457 NURSES

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**§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 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 licensed as provided in this chapter. It shall be unlawful for any person not licensed under this chapter to practice or offer to practice nursing as an advanced practice registered nurse, a registered nurse or a licensed practical nurse; or to use any sign, card, or device, or in any manner indicate or imply that the person is an advanced practice registered nurse, a registered nurse or a licensed practical nurse.

**§457-1.5 Practice of nursing.** (a) Nursing is a scientific process founded on a body of professional knowledge. It is a learned profession based on an understanding of the human condition across the lifespan of a client and the relationship of a client with others and within the environment. It is also an art dedicated to caring for others. The practice of nursing means assisting clients in attaining or maintaining optimal health, implementing a strategy of care to accomplish defined goals within the context of a client-centered health care plan, and evaluating responses to nursing care and treatment. Nursing is a dynamic discipline that is continually evolving to include more sophisticated knowledge, technologies, and client care activities. Nursing applies evidence-based practice to promote optimal client outcomes.

(b) The scope of nursing practices established in this chapter and by the rules of the board shall serve as general guidelines and are not intended to address the appropriateness of the use of specific procedures in any particular work setting or to grant permission to implement specific procedures in any particular work setting.

**§457-2 Definitions.** (a) As used in this chapter unless the content otherwise requires:

"Advanced practice registered nurse" means a registered nurse who has met the qualifications for advanced practice registered nurse licensure set forth in this chapter and through rules of the board, which shall include educational requirements.

"Board" means the State board of nursing.

"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."

""Distant site" means the location of the nurse delivering services through telehealth at the time the services are provided.

""Licensure and discipline data" means identifying information that includes but is not limited to the licensee's name, address, social security number, date of birth, and nursing education.

"NCSBN" means the National Council of State Boards of Nursing.

"Nurse" means a person licensed under this chapter or a person who holds a license under the laws of another state or territory of the United States that is equivalent to a license under this chapter.

"Nursys" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards."

"Originating site" means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a nurse through telehealth, including but not limited to a nurse's or health care provider's office, hospital, health care facility, a patient's home, and other non-medical environments such as school-based health centers, university-based health centers, or the work location of a patient."

"Telehealth" means the use of telecommunications as that term is defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, to support long-distance clinical health care while a patient is at an originating site and the nurse is at a distant site, patient and professional health-related education, public health and health administration, to the extent that it relates to nursing.

"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, osteopath, or podiatrist licensed in accordance with chapter 448, 453, 457, 460, 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, 460, or 463E; orders of an advanced practice registered nurse licensed 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.

(b) Definitions applicable to this chapter shall also include those used in the NCSBN Model Nursing Practice Act and the Model Nursing Administrative Rules unless the context otherwise requires. Where a definition in the NCSBN Model Nursing Practice Act or Model Nursing Administrative Rules conflicts with a definition in chapter 457 or 436B, the definitions contained in chapter 457 or 436B and the rules of the board shall apply.

**§457-2.5 Registered nurse.** Practice as a registered nurse means the full scope of nursing, regardless of compensation or personal profit, that incorporates caring for all clients in all settings and is guided by the scope of practice authorized by this chapter, the rules of the board, and nursing standards established or recognized by the board including but not limited to:

- (1) The National Council of State Boards of Nursing Model Nursing Practice Act, Article II, Scope of Nursing Practice, Section 2; and
- (2) The National Council of State Boards of Nursing Model Nursing Administrative Rules, Chapter Two, Standards of Nursing Practice, Sections 2.2.2 through 2.2.6;

provided the NCSBN shall have no legal authority over the board and shall have no legal authority or powers of oversight of the board in the exercise of its powers and duties authorized by law.

**§457-2.6 Licensed practical nurse.** Practice as a licensed practical nurse means the directed scope of nursing practice, regardless of compensation or personal profit, that takes place under the direction of a registered nurse, advanced practice registered nurse, licensed physician, or other health care provider authorized by the State, and is guided by the scope of practice authorized by this chapter, the rules of the board, and nursing standards established or recognized by the board including but not limited to:

- (1) The National Council of State Boards of Nursing Model Nursing Practice Act, Article II, Scope of Nursing Practice, Section 3; and
- (2) The National Council of State Boards of Nursing Model Nursing Administrative Rules, Chapter Two, Standards of Nursing Practice, Sections 2.3.1 through 2.3.3;

provided the NCSBN shall have no legal authority over the board and shall have no legal authority or powers of oversight of the board in the exercise of its powers and duties authorized by law.

**§457-2.7 Advanced practice registered nurse.** (a) Practice as an advanced practice registered nurse means the scope of nursing in a category approved by the board, regardless of compensation or personal profit, and includes the registered nurse scope of practice. The scope of an advanced practice registered nurse includes but is not limited to advanced assessment and the diagnosis, prescription, selection, and administration of therapeutic measures including over the counter drugs, legend drugs, and controlled substances within the advanced practice registered nurse's role and specialty-appropriate education and certification.

(b) The advanced practice registered nurse's scope of practice supersedes the registered nurse's scope of practice. Advanced practice registered nurses shall practice within standards established or recognized by the board and be guided by the scope of practice authorized by this

chapter, the rules of the board, and nursing standards established or recognized by the board including but not limited to:

- (1) The National Council of State Boards of Nursing Model Nursing Practice Act, Article II, Scope of Nursing Practice, Section 4; and
- (2) The National Council of State Boards of Nursing Model Nursing Administrative Rules, Chapter Two, Standards of Nursing Practice, Section 2.4.1;

provided that NCSBN shall have no legal authority over the board and shall have no legal authority or powers of oversight of the board in the exercise of its powers and duties authorized by law.

(c) An advanced practice registered nurse shall comply with the requirements of this chapter; recognized limits of the advanced practice registered nurse's knowledge and experience and planning for the management of situations that exceed the scope of authorized practice; and consult with or refer clients to other health care providers, as appropriate.

**§457-3 State board of nursing; appointment; term of office.** The board shall consist of nine members as follows:

- (1) Six shall be registered nurses, one of whom shall be licensed as an advanced practice registered nurse in this State;
- (2) One shall be a licensed practical nurse; and
- (3) Two shall be public members.

Both nursing education and direct providers of nursing services shall be represented on the board. The term of office for members of the board shall be four years. No member shall be appointed to more than two consecutive terms or serve more than eight consecutive years. Six members of the board shall be residents of the city and county of Honolulu and three shall be residents of counties other than the city and county of Honolulu.

**§457-4 Qualifications of board members.** (a) Each member of the board shall be a resident of this State.

Each registered nurse member of the board shall also:

- (1) Be a graduate of a state-accredited educational program to prepare for becoming a registered nurse and have at least a bachelor's degree in nursing but preferably a graduate degree in nursing;
  - (2) Have a current, unencumbered license as a registered nurse in the State; and
  - (3) Have at least five years of experience after graduation in the practice of nursing as a registered nurse and at least three years of active nursing experience as a registered nurse immediately preceding appointment or reappointment.
- (b) Each licensed practical nurse member of the board shall also:
- (1) Be a graduate of a state-accredited educational program to prepare for becoming a licensed practical nurse;
  - (2) Have a current, unencumbered license as a licensed practical nurse in the State; and
  - (3) Have at least five years of successful experience in the practice of nursing as a licensed practical nurse after graduation and at least three years of active nursing experience as a licensed practical nurse immediately preceding appointment or reappointment.
- (c) Each advanced practice registered nurse member of the board shall:

- (1) Have current, unencumbered licensure by the board as an advanced practice registered nurse; and
- (2) Have at least five years of experience in the practice of nursing as an advanced practice registered nurse and at least three years of active nursing experience as an advanced practice registered nurse immediately preceding appointment or reappointment.

**§457-5 Duties and powers of board.** (a) In addition to any other powers and duties authorized by law, the board may:

- (1) Adopt, amend, or repeal rules, pursuant to chapter 91, not inconsistent with the law, as may be necessary to enable it to carry into effect this chapter, including the definition of the scope of practice of nursing and the delegation of nursing tasks based upon professional nursing standards, which include but are not limited to the standards set forth by national certifying bodies recognized by the board;
- (2) Prescribe standards for preparing persons for licensure as practical nurses, registered nurses, and advanced practice registered nurses under this chapter;
- (3) Conduct surveys of educational programs as it may deem necessary and practical;
- (4) Approve educational programs that meet the requirements of this chapter and the rules of the board;
- (5) Deny or withdraw approval of educational programs for failure to meet or maintain the standards prescribed in this chapter;
- (6) License qualified applicants by examination or endorsement, including advanced practice registered nurses, and renew, reinstate, reactivate and restore licenses and shall conduct an investigation of the qualified applicant's background, character, competency, and integrity, as the board deems appropriate. The board shall:
  - (A) Request, beginning July 1, 2017, the criminal history records of qualified applicants, in accordance with section 846-2.7; and
  - (B) Request the criminal history records, pursuant to section 846-2.7, of licensees who were issued licenses by the board prior to July 1, 2017; provided that the board shall request criminal history records under this paragraph not less than once for each individual qualified applicant or licensee; provided further that all requests for criminal history records required for licensees issued a license by the board prior to July 1, 2017, shall be made by the board no later than July 1, 2023. The Hawaii criminal justice data center shall provide the information on request to the director of commerce and consumer affairs;
- (7) Conduct hearings upon request of a denied applicant or upon charges calling for discipline of a licensee;
- (8) Exercise the power to issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings;
- (9) Cause the prosecution of all persons violating this chapter and to incur necessary expenses therefor;
- (10) Keep a record of all its proceedings;
- (11) Provide consultation, conduct conferences, forums, studies, and research on nursing education and practice;
- (12) Communicate with national organizations that promote the improvement of the legal standards of practice of nursing for the protection of public health, safety, and welfare;

- (13) Authorize the administration of examinations to eligible applicants for licensure as registered nurses or licensed practical nurses, or other examinations required by the board as designated in its rules;
- (14) Employ, contract, and cooperate, to the extent allowable by law, with any board-approved organization in the preparation and grading of an appropriate nationally uniform examination; provided the board shall retain sole discretion and responsibility for determining the standard of successful completion of such an examination. When such a national examination is used, access to questions and answers shall be restricted by the board; and
- (15) Develop and adopt rules as necessary relating to the practice of nursing in telehealth.
  - (b) The board shall monitor and evaluate the scope of the practice of nursing in other states and make recommendations to the legislature, when deemed desirable, for appropriate amendment to the definitions under section 457-2 and any other provision of this chapter.

#### **§457-6 REPEALED.**

**§457-6.5 Application of National Council of State Boards of Nursing Model Nursing Practice Act and Model Nursing Administrative Rules.** (a) In accordance with chapter 91, the board shall adopt the provisions of the NCSBN Model Nursing Practice Act and Model Nursing Administrative Rules relating to the scope and standards of nursing practice for registered nurses, licensed practical nurses, and advanced practice registered nurses and shall adopt any subsequent modifications adopted by the Delegate Assembly of the NCSBN; provided that the board shall not be required to adopt rules or provisions that the board finds are inappropriate or inapplicable.

(b) If the board finds that any rule or provision of the NCSBN is inappropriate or inapplicable, the board shall state clearly in the record of the board's proceedings the board's rationale for rejecting or modifying the NCSBN's model rules.

(c) The NCSBN shall have no legal authority over the board and shall have no legal authority or powers of oversight of the board in the exercise of its powers and duties authorized by law.

**§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:

- (1) An application on a form prescribed by the board;
- (2) Beginning with the July 1, 2017, licensing biennium, a full set of electronic fingerprints for the purpose of obtaining federal and state criminal history record checks in accordance with section 846-2.7 directly to the Hawaii criminal justice data center for processing with the Federal Bureau of Investigation. The applicant shall bear the cost of the fingerprint processing and the application shall not be considered complete until the results of the criminal history record check has been received by the board; and
- (3) Written evidence that the applicant has completed a nursing program approved by the board."

- (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, 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, examination, and 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 who requests verification of a registered nurse license to a nursing board of another state shall pay a license verification fee.
- (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) 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;
  - (2) 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; or
  - (3) Graduated with a bachelor's degree and satisfactorily completed the pre-licensure portion of a master's entry program in nursing at an accredited school of nursing in the United States or any territory or possession under the jurisdiction of the United States that is recognized by the board or other state boards of nursing and are qualified as determined by the board.
- (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.



**§457-7.5 Delegation.** (a) A registered nurse may delegate nursing care tasks, functions, and activities to unlicensed assistive personnel in a manner that is appropriate to the level of knowledge and skill of the unlicensed assistive personnel; provided that the delegation of tasks, functions, and activities complies with applicable federal and state laws; and provided further that the practice-pervasive functions of assessment, evaluation, and nursing judgment shall not be delegated.

(b) The delegating nurse is responsible for individually assessing the patient and the situational circumstances and for ascertaining the competence of the delegatee before delegating any task, function, or activity. The delegating nurse shall supervise, monitor, evaluate, and follow-up on instructions to a delegatee after delegating any task, function, or activity. The delegatee shall assume liability for accepting the delegation and for the delegatee's own actions in carrying out the delegated task, function, or activity.

(c) When delegating a task, function, or activity, a delegating nurse shall use the NCSBN delegation decision-making process as a model for decision-making. The delegating nurse shall consider and carefully analyze:

- (1) Patient needs and circumstances;
- (2) Qualifications of the proposed delegatee;
- (3) The nature of the delegating nurse's delegation authority set forth in this chapter;
- (4) The delegating nurse's personal competence in the area of nursing relevant to the task, function, or activity to be delegated; and
- (5) The protocols contained in NCSBN documents, including but not limited to: Five Rights of Delegation, Delegation-Decision Making Tree, and The Continuum of Care Framework.

**§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:

- (1) An application on a form prescribed by the board;
  - (2) Beginning with the July 1, 2017, licensing biennium, a full set of electronic fingerprints for the purpose of obtaining federal and state criminal history record checks in accordance with section 846-2.7 directly to the Hawaii criminal justice data center for processing with the Federal Bureau of Investigation. The applicant shall bear the cost of the fingerprint processing and the application shall not be considered complete until the results of the criminal history record check has been received by the board; and
  - (3) 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) 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, 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, examination, and 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.

(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.

(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.

**§457-8.5 Advanced practice registered nurse; qualifications; licensure; endorsement; fees; eligibility.** (a) The board shall grant an advanced practice registered nurse license to a nurse who 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 license as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active license as an advanced practice registered nurse;
- (4) Completed an accredited graduate-level education program preparing the nurse for one of the four recognized advanced practice registered nurse roles;

- (5) A current, unencumbered certification of having passed a national certification examination that measures role and population-focused competencies and is recognized by the board;
- (6) Maintained continued competencies through recertification in role and population-focused competencies through a national certification program recognized by the board;
- (7) Acquired advanced clinical knowledge and skills preparing the nurse to provide direct care to patients through a significant educational and practical concentration on the direct care of patients;
- (8) Demonstrated a greater breadth of knowledge, a greater synthesis of data, greater complexity of skills and interventions, and greater role autonomy than demonstrated by a registered nurse;
- (9) Been educationally prepared to assume responsibility and accountability for health promotion and maintenance and to assess, diagnose, and manage patient problems through the use and prescription of pharmacologic and non-pharmacologic interventions;
- (10) Acquired clinical experience of sufficient depth and breadth to reflect the intended license;
- (11) Beginning with the July 1, 2017, licensing biennium, submitted a full set of electronic fingerprints for the purpose of obtaining federal and state criminal history record checks in accordance with section 846- 2.7 directly to the Hawaii criminal justice data center for processing with the Federal Bureau of Investigation. The applicant shall bear the cost of the fingerprint processing and the application shall not be considered complete until the results of the criminal history record check has been received by the board; and.
- (12) Paid the appropriate fees."

(b) Any person licensed as an advanced practice registered nurse prior to October 1, 2009, whose license was granted based on a master's degree in nursing or a current certification for specialized and advanced nursing practice from a national certifying body recognized by the board shall be eligible to renew that license; provided that all nurse licenses and prescriptive authorities or similar designations held by the person in any jurisdiction are unencumbered.

(c) Any person applying for advanced practice registered nurse licensure by endorsement shall be licensed as an advanced practice registered nurse; provided that:

- (1) The person applying is licensed as a registered nurse in this state; and
- (2) All nurse licenses and prescriptive authorities or similar designations held by the person under the laws of this state, another state, or a United States territory are unencumbered, and the originating state's requirements were equal to or greater than the board's advanced practice registered nurse requirements which were in effect prior to October 1, 2009.

An advanced practice registered nurse shall be eligible to renew the license granted under this subsection; provided that all nurse licenses and prescriptive authorities or similar designations held by the person in this state, another state, or a United States territory are unencumbered.

(d) Only a person who has a current, unencumbered license 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.". 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 licensed 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.

**§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 board shall establish requirements for advanced practice registered nurses' education, experience, and national certification pursuant to rules adopted in accordance with chapter 91.

(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 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 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 drugs 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.

**§457-8.8 Advanced practice registered nurses; global signature authority.** Notwithstanding any other law to the contrary, advanced practice registered nurses shall be authorized to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients, including workers' compensation verification documents, verification and evaluation forms of the department of human services and department of education, verification and authorization forms of the department of health, and physical examination forms; provided that nothing in this section shall be construed to expand the scope of practice of advanced practice registered nurses.

**§457-8.9 Advanced practice registered nurses; expedited partner therapy.** Advanced practice registered nurses who meet the definition of a health professional as defined in section 453-A, shall be authorized to provide expedited partner therapy in accordance with part of chapter 453.

**§457-9 Renewal of license; denial, suspension, or revocation of license for default of student loan, student loan repayment contract, or scholarship contract; inactivation and reactivation of license; restoration of forfeited license.** (a) The license of every person licensed 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 shall also submit beginning with the July 1, 2019, licensing biennium, a full set of electronic fingerprints for the purpose of obtaining federal and state criminal history record checks in accordance with section 846- 2.7 directly to the Hawaii criminal justice data center for processing with the Federal Bureau of Investigation. The applicant shall bear the cost of the fingerprint processing and the application shall not be considered complete until the results of the criminal history record check has been received by the board; and all required documents on or before the deadline set by the board. The applicant shall provide documents from proper agencies or parties 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 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. The failure to timely renew a license, the failure to pay all applicable fees, the dishonoring of any check upon first deposit, or the failure to comply with any other requirement provided by law shall cause the license to be automatically forfeited; provided that the person's license may be restored by the board within two years after the date of forfeiture upon compliance with the licensing renewal fees, penalty fees, and compliance resolution fund fees.

A nurse who does not intend to practice nursing in the State and elects to be placed on inactive status shall so indicate in writing during the license renewal period or by so indicating on the license renewal application, and paying inactivation and all appropriate fees. Should the nurse wish to resume nursing at some future time, the nurse shall notify the board in writing and remit the reactivation and renewal fees; submit an application form as provided in subsection (a); and beginning with the July 1, 2019, licensing biennium, submit a full set of electronic fingerprints for the purpose of obtaining federal and state criminal history record checks in accordance with section 846-2.7 directly to the Hawaii criminal justice data center for processing with the Federal Bureau of Investigation. The applicant shall bear the cost of the fingerprint processing and the application shall not be considered complete until the results of the criminal history record check has been received by the board. 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 or successfully completing appropriate continuing education recognized by the board."

(c) Notwithstanding any provision in this chapter to the contrary, the board shall not renew or reinstate, or shall deny, suspend, or revoke, 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, 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.

**§457-9.2 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.

**§457-9.3 Learning activity options.** (a) 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.

**§457-10 REPEALED.**

**§457-11 Nursing education programs.** (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) Carry out a program in advanced practice nursing, registered nursing, or licensed practical nursing; and
- (2) Meet the standards as shall be established by law and by the board.
- (b) 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.
- (d) From time to time as deemed necessary by the board, it shall be the duty of the board, through its authorized representative, to survey nursing education programs in the State. Written reports of the surveys shall be submitted to the board. If the board determines that any approved nursing education program is not maintaining the standards required by law and by the board, notice thereof in writing specifying the discrepancies shall be immediately given to the institution conducting the program. A program which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be discontinued after a hearing held in conformance with chapter 91.

**§457-12 Discipline; grounds; proceedings; hearings.** (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) Willful 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;
- (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.
  - (b) Notwithstanding any other law to the contrary, the board may deny a license to any applicant who has been disciplined by another state. Any final order entered pursuant to this subsection shall be matter of public record.
  - (c) Any fine imposed by the board after a hearing in accordance with chapter 91 shall be no less than \$100 and no more than \$1,000 for each violation.
  - (d) The remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.

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

- (1) The furnishing of nursing assistance in an emergency;
- (2) The practice of nursing which is incidental to their program of study 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 is in or under the jurisdiction of the United States, 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 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.

**§457-14 Violations of chapter; penalties.** It shall be a misdemeanor for any person, including any corporation, association, or individual to:

- (1) Sell or fraudulently obtain or furnish any nursing diploma, license, renewal, or record or aid or abet therein; or

- (2) Practice nursing as defined by this chapter under cover of any diploma, license, or record illegally or fraudulently signed or issued unlawfully or under fraudulent representation; or
- (3) Practice nursing as a registered or as a licensed practical nurse unless licensed to practice under this chapter; or
- (4) Use in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter; or
- (5) Practice nursing as a registered nurse or as a licensed practical nurse during the time the person's license issued under this chapter is suspended or revoked; or
- (6) Conduct a nursing education program not accredited by the board to prepare for a registered nurse or licensed practical nurse unless the program has been accredited by the board; or
- (7) Otherwise violate any provisions of this chapter.

Any of these misdemeanors shall be punishable by a fine of not more than \$500 for a first offense. Each subsequent offense shall be punishable by a fine of not more than \$1,000 or imprisoned not more than one year, or both.

**§457-15 Injunctive relief.** The practice of nursing as a registered nurse or as a licensed practical nurse by any person who has not been issued a license under this chapter or whose license has been suspended or revoked or has expired is declared to be inimical to the public welfare and to constitute a public nuisance. The board of nursing may, through the attorney general, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license or whose license has been suspended or revoked or expired, from practicing nursing as a registered nurse or as a licensed practical nurse; and, upon the filing of a verified petition in court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that the person is or has been practicing nursing as a registered nurse or as a licensed practical nurse without having been issued a license, or after the person's license has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing nursing as a registered nurse or as a licensed practical nurse. A copy of the verified petition shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that the defendant has been or is practicing nursing as a registered nurse or as a licensed practical nurse without having been issued a license or has been or is practicing nursing as a registered nurse or as a licensed practical nurse after the defendant's license has been revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining the defendant from further practicing nursing as a registered nurse or as a licensed practical nurse. In case of violation of any injunction issued under this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. The injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

**§457-16 Severability.** If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are severable.

**§457- Nursys; verification of nurse license.**

Notwithstanding any other law to the contrary, the board of nursing may fully participate in Nursys by sharing licensure and discipline data with Nursys. By applying for nurse licensure, individuals shall consent to allowing the board to share their licensure and discipline data with Nursys."

**"§457- Discipline based on action taken in another state; conditions; prohibition on practice.** (a) Upon receipt of evidence of revocation, suspension, or other disciplinary action against a licensee in another state, the board may issue an order imposing the same disciplinary action upon the licensee on the following conditions:

- (1) The board shall serve the licensee with a proposed order imposing disciplinary action as required by chapter 91;
  - (2) The licensee shall have the right to request a hearing pursuant to chapter 91 to show cause why the action described in the proposed order should not be imposed;
  - (3) Any request for a hearing shall be made in writing and filed with the board within twenty days after mailing of the proposed order to the licensee; and
  - (4) If the licensee does not submit a written request for a hearing within twenty days after mailing of the proposed order, the board shall issue a final order imposing the disciplinary action described in the proposed order
- (b) A certified copy of the disciplinary action in another state shall constitute prima facie evidence of the disciplinary action.
- (c) A licensee against whom the board has issued a proposed order under this section shall be prohibited from practicing in this State until the board issues a final order if:
- (1) The licensee was the subject of disciplinary action in another state; and
  - (2) The disciplinary action in the other state prohibits the licensee from practicing in that state.
- (d) In addition to the provisions of this section, the board may take any other action authorized by this chapter or chapter 436B.
- (e) Notwithstanding any law to the contrary, the final order of discipline taken pursuant to this section shall be a matter of public record."

**§457- Telehealth; privacy, security, and confidentiality.** Services relating to the practice of nursing and provided by telehealth pursuant to this chapter shall be consistent with all federal and state privacy, security, and confidentiality laws."

Note

**CENTER FOR NURSING FEE**

**Additional fee** (Session Laws of Hawaii 2008, Act 173 requires continued assessment of this fee until it is repealed on July 1, 2014, unless further extended by law). Upon issuance of new license

or at license renewal period, each practical and registered nurse shall pay an additional fee of \$40 which shall be deposited to the compliance resolution fund established under §26-9(o) for quarterly credit to the center for nursing special fund under §304D-5. L 2003, c 198, §§3, 6, and 10.