

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS EMERGENCY RULES FOR NURSES TO PRACTICE IN THE STATE FAQS

The Department of Commerce and Consumer Affairs (“DCCA”) finds that an imminent peril to public health and safety requires the adoption of a rule upon less than thirty days’ notice of hearing.

Pursuant to section Hawaii Revised Statutes (“HRS”) §91-3(b), the emergency rules are to be effective for a period of not longer than 120 days from the date of their filing with the Lieutenant Governor to protect the health and safety of the citizens of the state. The purpose of the Emergency Temporary permit is to temporarily authorize out-of-state nurses to practice in the State provided certain requirements are satisfied.

Temporary Emergency Permit Requirements

Requirement: A nurse may be authorized to temporarily practice in the State upon submission by a health care entity submitting to the DCCA a list containing the name of each nurse, the nurse’s license state, territory or county, license number, residence and email address, and a signed verification that:

- (1) The nurse holds a current and active nursing license in another state;
- (2) The nurse’s license, in all states in which a license is held, has not been encumbered;
- (3) There are no liability/malpractice insurance claims or pending lawsuits against the nurse;
- (4) The nurse will be practicing at a health care entity in Hawaii; and
- (5) The health care entity shall be responsible for the actions or inactions of the nurse.

Nurses shall apply directly with the Hawaii health care entity and NOT the Board of Nursing.

The temporary authorization to practice in this State is not renewable nor transferable between health care facilities.

Emergency Rules FAQs

1. When do the emergency rules take effect?

The emergency rules took effect on April 4, 2023.

2. How long will the emergency rules be in effect?

The emergency rules will be in effect for 120 days from the effective date of April 4, 2023.

3. How long are the emergency temporary permits valid?

Although no actual permit will be issued, the emergency rule authorizes the DCCA to issue temporary authorization for nurses who meet the requirements after applying with a Hawaii health care entity to practice for 90 days.

4. How do I qualify for an emergency temporary permit?

You apply directly with the health care entity and provide them with the following information:

- 1) Your name;
- 2) Identification of the State, territory, or country you hold a nursing license;
- 3) Your nursing license number(s);
- 4) Your residential address;
- 5) Your email address

The health care entity shall then verify the following information:

- 1) Your current and active nursing license in another state, territory, or country;
- 2) Proof that your license in all jurisdictions that you hold or have held a license has not been encumbered;
- 3) Proof that there are no liability/malpractice insurance claims or pending lawsuits against your license;
- 4) Proof that you will be practicing at that health care entity in Hawaii.

5. How do I obtain an emergency temporary permit?

You apply directly with the health care entity.

6. What is a “health care entity”?

“Health care entity” means those entities listed in HRS §321-11(10):

§321-11 Subjects of health rules, generally. *[Repeal and reenactment on June 30, 2014. L Sp 2009, c 21, §8.]* The department of health pursuant to chapter 91 may adopt rules that it deems necessary for the public health and safety respecting:

(10) Hospitals, freestanding surgical outpatient facilities, skilled nursing facilities, intermediate care facilities, adult residential care homes, adult foster homes, assisted living facilities, special treatment facilities and programs, home health agencies, home care agencies, hospices, freestanding birthing facilities, adult day health centers, independent group residences, and therapeutic living programs, but excluding youth shelter facilities unless clinical treatment of mental, emotional, or physical disease or handicap is a part of the routine program or constitutes the main purpose of the facility, as defined in section 346-16 under "child [caring] institution". For the purpose of this paragraph, "adult foster home" has the same meaning as provided in section 321-11.2;

7. As a health care facility, where can I find the form that needs to be submitted to the DCCA?

Please visit the Board of Nursing's website at:
<https://cca.hawaii.gov/pvl/boards/nursing/>.

8. Where do I submit the form?

Health care entities should email the completed form to:
nursing@dcca.hawaii.gov.

Upon receipt of the emailed form, the Board staff will review and respond within 36-48 hours.

9. Are the temporary permits renewable?

No, once the Board confirms the form submitted by the health care entity, the nurse may practice for 90 days.

It is highly recommended that any individual nurse who practices under the emergency rule, apply for a permanent license as soon as possible. The application for a nurse license by endorsement is available on the Board's web page at: cca.hawaii.gov/pvl/boards/nursing.

10. After the **90 days** may I reapply with the same or another health care entity?

Yes, however, even though you applied previously, you will have to start the process again with the same or other health care entity.

We encourage everyone to apply for a nurse license as soon as possible if they wish to stay beyond the 90 day permit period. **Please be advised that the current processing time of all applications received is 45-60 business days.**

11. **Where do I find more information on the requirements for licensure and the instructions on how to apply?**

Please visit the Board's website at:

https://cca.hawaii.gov/pvl/boards/nursing/application_publications/ to find a copy of our applications.

Apply online at: <https://mypvl.dcca.hawaii.gov/>

(If you have not already done so, you can create a MyPVL account)

12. **We are a nurse staffing agency, are we able to submit a list of nurses to practice under the emergency rule?**

No. The emergency rule is specific to health care entities only who desperately need nurses due to the nursing workforce shortage.