

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Update: Nurses

Summary

We evaluated the regulation of nurses under Chapter 457, Hawaii Revised Statutes, and conclude that the public interest is best served by reenactment of the statute.

Nurses provide a wide range of services that promote, maintain, or restore health, or prevent illness. They administer prescribed medication and treatment to patients. Two categories of nurses are regulated: registered nurses and licensed practical nurses. About 12,700 registered nurses and about 3,200 licensed practical nurses are licensed in Hawaii. Of these, about 9,600 and 2,800, respectively, live in Hawaii.

The practice of nursing has significant potential for harm to the public's health, safety, and welfare, and Chapter 457, HRS, should be reenacted to continue the regulation of nurses. However, one provision of the statute cites gross immorality as a possible cause for the board to deny, revoke, limit, or suspend a nurse's license. There is no definition of gross immorality and we found no complaints or disciplinary actions resulting from gross immorality. Because of its vagueness and lack of relevance, the provision should be repealed.

We found that the licensing program could be simplified with a single educational standard for all applicants. The program could also be improved by checking on the history of applicants by endorsement and by removing the requirement for a photograph. We also found that the board could require nursing education programs to be accredited by the National League of Nursing (NLN) instead of having to accredit institutions itself. The board also needs to work more closely with the Regulated Industry Complaints Office (RICO) when handling disciplinary actions.

Recommendations and Response

We recommend that the Legislature reenact Chapter 457, HRS, to continue the regulation of nurses but repeal section 457-12(2), which allows disciplinary proceedings for gross immorality.

We also recommend that the Board of Nursing amend its rules to: (a) require a single educational standard for all applicants for licensure, (b) require a background check for all states in which an applicant for licensure by endorsement has been licensed previously, (c) cease requiring applicants to

submit a photograph, and (d) require all nursing education programs to acquire and retain accreditation from the NLN. We recommend further that the board and RICO meet to explain the needs and limitations under which both the board and RICO work in settlement agreements.

The board agrees with our recommendation to reenact Chapter 457, Hawaii Revised Statutes, to continue the regulation of nurses and amend the statute to repeal gross immorality as a basis for disciplinary action. The board further agrees with our recommendations to amend its rules to: (1) require a single educational standard for all applicants for licensure, (2) cease requiring applicants to submit photographs, and (3) require all nursing education programs to acquire and retain accreditation from the National League of Nursing. The board does feel that some amendments should first be made to Chapter 457, HRS, for consistency and uniformity. The board also agrees that it should work more closely with RICO and has begun communications with RICO.

The board does not agree with our recommendation that the board require a background check for all states in which an applicant for licensure by endorsement has been licensed previously. The board responds that it would be costly and time consuming without adding protection to the public.

Because of the crucial nature of the care nurses give to the ill and infirm, we stand by our recommendation that the board require a background check for all states in which an applicant for licensure by endorsement has been licensed previously. Verification of all prior licenses is a standard and fairly easy process that would further protect the public safety.

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