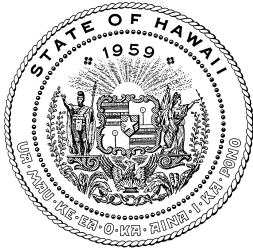


Small Business Regulatory Review Board Meeting

April 18, 2024

10:00 a.m.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813
Mailing Address: P.O. Box 2359, Honolulu, HI 96804
Email: dbedt.sbrb.info@hawaii.gov
Website: sbrb.hawaii.gov

Tel: 808 798-0737

AGENDA

Thursday, April 18, 2024 ★ 10:00 a.m.
Leiopapa A Kamehameha Building – State Office Tower
235 S. Beretania Street, Conference Room 405
Honolulu, HI 96813

As authorized under Act 220, Session Laws of Hawaii 2021, and Chapter 92-3.7 Hawaii Revised Statutes (HRS), the public can participate in the meeting either:

A. By attending the in-person meeting at:
Leiopapa A Kamehameha Building – State Office Tower 235 S. Beretania Street,
Conference Room 405, Honolulu, HI 96813; or

B. Via Video-audio livestream or via Telephone - to join the Video-audio livestream meeting, go to:

<https://us06web.zoom.us/j/88945374966?pwd=cDhqWEEZGZHYmJLM05tMHU5Mm5HQ09>

C. To Join via Telephone: Dial 1-669-900-6833 with Meeting ID 883 5814 0200 Passcode 066739

When the Chairperson asks for public testimony during the meeting, you may indicate that you want to provide oral testimony by using the raise hand function or, if calling in by telephone, entering * and 9 on your phone keypad. When recognized by the Chairperson, you will be unmuted. If calling in by phone, you can unmute and mute yourself by pressing * and 6 on your keypad.

Members of the public may also submit written testimony via e-mail to: DBEDT.sbrb.info@hawaii.gov or mailed to SBRRB, No. 1 Capitol District Building, 250 S. Hotel Street, Room 508, Honolulu, HI 96813, or P.O. Box 2359, Honolulu, HI 96804. The Board requests that written testimony be received by Wednesday, April 17, 2024 so it may be distributed to Board members prior to the meeting. Testimony received after that time will be distributed to the Board members at the meeting.

Copies of the Board Packet will be available on-line for review at: [Agendas & Minutes – Small Business Regulatory Review Board \(hawaii.gov\)](#). An electronic draft of the minutes for this meeting will also be made available at the same location when completed.

The Board may go into Executive Session under Section 92-5 (a)(4), HRS to Consult with the Board's Attorney on Questions and Issues Concerning the Board's Powers, Duties, Immunities, Privileges and Liabilities.

- I. Call to Order**
- II. Approval of March 28, 2024 Meeting Minutes**

Josh Green, M.D.
Governor

Sylvia Luke
Lt. Governor

James Kunane
Tokioka
DBEDT Director

Dane K. Wicker
DBEDT Deputy Director

Members

Mary Albitz
Chairperson Maui

Robert Cundiff
Vice Chairperson O'ahu

Jonathan Shick
2nd Vice Chairperson O'ahu

Dr. Nancy Atmospera-Walch
O'ahu

William Lydgate
Kaua'i

James (Kimo) Lee
Hawai'i

Garth Yamanaka
Hawai'i

Sanford Morioka
O'ahu

Tessa Gomes
O'ahu

Mark Ritchie for Director, DBEDT
Voting Ex Officio

III. New Business

- A. Discussion and Action on Proposed Amendments to Hawaii Administrative Rules (HAR) Title 4 Chapter 71 **Plant and Non-Domestic Animal Quarantine Non-Domestic Animal Import Rules**, promulgated by Department of Agriculture
Discussion Leader – James Kimo Lee Jr.

IV. Old Business

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 16 Chapter 89 **Nurses**, promulgated by Department of Commerce and Consumer Affairs – *Discussion Leader – Tessa Gomes*

V. Administrative Matters

- A. Update on the Board’s Upcoming Advocacy Activities and Programs in accordance with the Board’s Powers under Section 201M-5, Hawaii Revised Statutes (HRS)
1. Update and Discussion on Becker Communications Inc., regarding the Board’s Small Business Outreach
 2. Presentations to Industry Associations
 3. Staff’s Small Business Outreach

VI. Legislative Matters

- A. Update on the following legislative matters:
1. **House Bill 2354 HD1 SD1 - Relating to the Small Business Regulatory Review Board** – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners
 2. **Senate Bill 2974 SD2 HD1– Relating to Economic Development** - Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii’s general economic competitiveness and business climate, including the mitigation of regulatory and tax burdens; requires a report to the Legislature

VII. Next Meeting: Thursday, May 16, 2024 at 10:00 a.m., held via Zoom and at Leiopapa A Kamehameha Building – State Office Tower, Conference Room 405, Honolulu, HI 96813

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Jet’aime Ariola at 808 798-0737 and jetaime.k.ariola@hawaii.gov as soon as possible, preferably at least three (3) working days prior to the meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

II. Approval of March 28, 2024 Meeting Minutes

Small Business Regulatory Review Board

MEETING MINUTES - **DRAFT**

March 28, 2024

ZOOM Recording

- I. **CALL TO ORDER:** Chair Albitz called the meeting to order at 10:00 a.m., with a quorum present.

MEMBERS PRESENT:

- Mary Albitz, Chair
- Robert Cundiff, Vice Chair
- Jonathan Shick, 2nd Vice Chair
- Garth Yamanaka
- James (Kimo) Lee
- Sanford Morioka
- Mark Ritchie

ABSENT MEMBERS:

- Nancy Atmospera-Walch
- William Lydgate
- Tessa Gomes

STAFF: DBEDT

Dori Palcovich
 Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF February 15, 2024 MINUTES**

Mr. Lee motioned to accept the February 15, 2024 meeting minutes, as presented. Vice Chair Cundiff seconded the motion, and the Board members unanimously agreed.

III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 15 Chapter 217, Mauka Area Rules, promulgated by Hawaii Community Development Authority (HCDA) / Department of Business, Economic Development, and Tourism (DBEDT)

Discussion leader, Vice Chair Cundiff, noted that the proposed rules represent post public hearing. The rules have been worked on for several years and HCDA has done a tremendous amount of outreach to the community; as a result, much of the feedback and suggestions received were incorporated into the final rules.

Mr. Ryan Tam, HCDA Director of Planning and Development, explained what had occurred during the public hearing which resulted in many of the minor suggested comments being incorporated into the rules; this included eliminating parking cost disclosures. Other suggestions, which included larger policy changes, such as not utilizing the City's bicycle

parking requirements, were not accepted by HCDA, and as such were not incorporated into the final rules.

Mr. Tam proceeded to go through the slide presentation which included the Mauka rules amendment objectives, HCDA's community engagement, which began in 2020 and included a public on-line survey and streamlining of the permits regarding the current rules versus the proposed rules. Additional topics included parking reforms, achieving community benefits that encompass incentive zoning and entails larger projects in exchange for environmental and public benefits, neighborhood zones, height limits, and building and frontage types.

Mr. Ritchie made a motion to pass the rules onto the Governor for adoption. Second Vice Chair Shick seconded the motion, and the Board members unanimously agreed.

B. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 13 Chapter 74, License and Permit Provisions for Fishing, Fish, and Fish Products, promulgated by Department of Land and Natural Resources (DLNR)

Discussion leader and Second Vice Chair Shick requested that Mr. David Sakoda, Fisheries Program Manager at DLNR's Division of Aquatic Resources, provide the Board with a summary of the public hearings. Mr. Sakoda explained that the proposed rule changes entail the creation of new commercial dealer license fees as well as adding and updating other annual fee requirements. Licenses encompass commercial dealer licenses, commercial dealer vessel licenses, and non-resident recreational fishing licenses.

Hybrid state-wide Zoom public hearings were held along with in-person host sites throughout the state. Overall, six testimonies were received at the hearings, with three written comments. All were in support of the proposed changes except one. While many suggestions were made, they were all beyond the scope of the proposal, so they were not incorporated into the final rules, and none of the comments were in opposition of the proposed fees. Mr. Sakoda added that largely due to substantial pre-hearing scoping, all changes made were non-substantive in nature.

Vice Chair Cundiff made a motion to pass the rules onto the Governor for adoption. Second Vice Chair Shick seconded the motion, and the Board members unanimously agreed.

IV. ADMINISTRATIVE MATTERS

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Update on Becker Communications, Inc., regarding the Board's Small Business Outreach Purposes

Representatives from Becker Communications will be attending April's board meeting to interview board members, take photos and film a video for You Tube.

2. Presentations to Industry Associations

Nothing was reported by the Board members.

3. Staff's Small Business Outreach

DBEDT's Program Specialist Ms. Ariola recently distributed brochures to the Business Action Center, the Better Business Bureau, the Small Business Development Center, and Small Business Hawaii. She also spoke with the Oahu Business Connector and expressed her desire to piggyback onto the Connector's business efforts.

Mr. Ritchie announced that the annual Small Business Fair, held at Leeward Community College, is scheduled tentatively this year for either September 21st or the 28th, of which, DBEDT and this Board will share a table.

V. **LEGISLATIVE MATTERS**

A. Update, Discussion and Action, if necessary, on the following legislative matters:

1. Senate Resolution 56 – Requesting Businesses in Hawaii to Use Hawaiian Language and Requesting the Department of Education to Develop and Implement Programs to Teach Employees Hawaiian and Hire Permanent Hawaii Language Teachers

The members discussed the benefits of this resolution and opted to stay neutral without testifying either in support or in opposition.

2. House Bill 1956 Relating to Economic Development – Establishes a business revitalization task force to identify methods to improve Hawaii's general economic competitiveness and business climate, including by mitigating regulatory and tax burdens; requires a report to the legislature.

This bill was deferred on March 12th.

3. House Bill 2354 Relating to the Small Business Regulatory Review Board – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

This bill is scheduled for public decision making on April 4th at 10:00 a.m. in the Judiciary Committee.

4. Senate Bill 3043 Relating to the Small Business Regulatory Review Board – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

This bill was deferred on March 12th due to its companion, House Bill 2354 (see above), being still alive.

5. Senate Bill 2974 Relating to Economic Development – Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii’s general economic Competitiveness and business climate, including by mitigating regulatory and tax burdens; and require a report to the Legislature

The Legislature added that a member of this Board be including in the revitalization taskforce.

Mr. Yamanaka motioned for this Board to provide testimony in support of Senate Bill 2974. Vice Chair Cundiff seconded the motion and the Board members unanimously agreed.

- VI. **NEXT MEETING** – Thursday, April 18, 2024 at 10:00 a.m., via Zoom and in conference room 405 at Leiopapa A Kamehameha Building – State Office Tower – 235 S. Beretania Street, Honolulu, HI 96813.
- VII. **ADJOURNMENT** – Vice Chair Cundiff motioned to adjourn the meeting and Second Vice Chair Shick seconded the motion; the meeting adjourned at 11:00 a.m.

III. Old Business

A. Discussion and Action on the Proposed Amendments to HAR Title 4 Chapter 71 Plant and Non-Domestic Animal Quarantine Non- Domestic Animal Import Rules, promulgated by Department of Agriculture

**PRE-PUBLIC HEARING SMALL BUSINESS IMPACT STATEMENT
TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD**
(Hawaii Revised Statutes §201M-2)

Date: 3/28/2024

Department or Agency: Hawaii Department of Agriculture

Administrative Rule Title and Chapter: Hawaii Administrative Rules Title 4 Chapter 71

Chapter Name: Plant and Non-Domestic Animal Quarantine Non-Domestic Animal Import Rules

Contact Person/Title: Christopher Kishimoto / Entomologist

E-mail: christopher.m.kishimoto@hawaii.gov Phone: (808) 832-0566

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7?

Yes No

If "Yes," provide details: _____

I. Rule Description:

New Repeal Amendment Compilation

II. Will the proposed rule(s) affect small business?

Yes No

(If "No," no need to submit this form.)

* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

* "Small business" is defined as a "for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

Yes No

(If "Yes" no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

Yes No

(If "Yes" no need to submit this form.)

* * *

If the proposed rule affects small business and are not exempt as noted above, please provide a reasonable determination of the following:

1. Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected.

2. In dollar amounts, the increase in the level of direct costs such as fees or fines, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.

If the proposed rule imposes a new or increased fee or fine:

- a. Amount of the current fee or fine and the last time it was increased.

 - b. Amount of the proposed fee or fine and the percentage increase.

 - c. Reason for the new or increased fee or fine.

 - d. Criteria or methodology used to determine the amount of the fee or fine (i.e., Consumer Price Index, Inflation rate, etc.).
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3. The probable monetary costs and benefits to the agency or other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used.

4. The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, modification of the fines schedule, performance rather than design standards, exemption, or other mitigating techniques.

5. The availability and practicability of less restrictive alternatives that could be implemented in lieu of the proposed rules.

6. Consideration of creative, innovative, or flexible methods of compliance for small businesses. The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules.

7. How the agency involved small business in the development of the proposed rules.
 - a. If there were any recommendations made by small business, were the recommendations incorporated into the proposed rule? If yes, explain. If no, why not.

8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

If yes, please provide information comparing the costs and benefits of the proposed rules to the costs and benefits of the comparable federal, state, or county law, including the following:

- a. Description of the public purposes to be served by the proposed rule.
- b. The text of the related federal, state, or county law, including information about the purposes and applicability of the law.
- c. A comparison between the proposed rule and the related federal, state, or county law, including a comparison of their purposes, application, and administration.
- d. A comparison of the monetary costs and benefits of the proposed rule with the costs and benefits of imposing or deferring to the related federal, state, or county law, as well as a description of the manner in which any additional fees from the proposed rule will be used.
- e. A comparison of the adverse effects on small business imposed by the proposed rule with the adverse effects of the related federal, state, or county law.

* * *

Small Business Regulatory Review Board / DBEDT
Phone: (808) 586-2594 / Email: DBEDT.sbrrb.info@hawaii.gov

This Statement may be found on the SBRRB Website at: <http://dbedt.hawaii.gov/sbrrb/resources/small-business-impact-statements>

Chapter 4-71, Hawaii Administrative Rule Amendments

Board of Agriculture Approved: December 5, 2023

Subject: (1) Placement of the Wasp *Aprostocetus nitens* onto the List of Restricted Animals (Part A) in Chapter 4-71, HAR; (2) Allowing the Import and Release of the Wasp *Aprostocetus nitens* For Biocontrol of the Invasive Erythrina Gall Wasp *Quadrastichus erythrinae*; and (3) Proceed with a Public Hearing in Connection with the Proposed Amendment to Chapter 4-71, HAR.

At its meeting on December 5, 2023, the Hawaii Board of Agriculture's (Board) decision to allow the importation of the parasitic wasp *Aprostocetus nitens* for biocontrol of the invasive Erythrina gall wasp was based on the potential risk to the ecological health and safety of Hawaii's native plant species. At this same meeting, the Board also voted to place *Aprostocetus nitens* on the List of Restricted Animals Part A in order to allow its import for biocontrol of *Erythrina gall wasp*.

Specific amendment to Chapter 4-71, HAR, is as follows:

1. Section 4-71-6.5, Permitted Introductions

adds the insect *Aprostocetus nitens* to the List of Restricted Animals (Part A) to allow its import as biocontrol of *Erythrina gall wasp*.

LIST OF RESTRICTED ANIMALS

APRIL 23, 2019

PART A: FOR RESEARCH AND EXHIBITION

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
INVERTEBRATES	
PHYLUM Annelida	
CLASS Hirudinea	
ORDER Gnathobdellida	
FAMILY Hirudinidae	
<u>Hirudo medicinalis</u>	leech, medicinal
ORDER Rhynchobdellae	
FAMILY Glossiphoniidae	
<u>Helobdella triserialis</u>	leech, small snail
CLASS Oligochaeta	
ORDER Haplotaxida	
FAMILY Euchytraeidae	
Enchytraeidae (all species in family)	worm, white
FAMILY Eudrilidae	
<u>Helodrilus foetidus</u>	earthworm
FAMILY Lumbricidae	
<u>Lumbricus terrestris</u>	earthworm
<u>Allophora</u> (all species in genus)	earthworm
CLASS Polychaeta	
ORDER Phyllodocida	
FAMILY Nereidae	
<u>Nereis japonica</u>	lugworm

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
PHYLUM Arthropoda CLASS Arachnida ORDER Acari FAMILY Phytoseiidae	
<u>Iphiseius degenerans</u>	predator, spider mite
<u>Mesoseiulus longipes</u>	predator, spider mite
<u>Mesoseiulus macropilis</u>	predator, spider mite
<u>Neoseiulus californicus</u>	predator, spider mite
<u>Neoseiulus longispinosus</u>	predator, spider mite
<u>Typhlodromus occidentalis</u>	mite, western predatory
FAMILY Tetranychidae <u>Tetranychus lintearius</u>	
	biocontrol agent, gorse
CLASS Crustacea ORDER Amphipoda FAMILY Hyalidae <u>Parhyale hawaiiensis</u>	
	amphipod, marine
ORDER Anomura FAMILY Porcellanidae	
<u>Petrolisthes cabrolloi</u>	crab, porcelain
<u>Petrolisthes cinctipes</u>	crab, porcelain
<u>Petrolisthes elongatus</u>	crab, porcelain
<u>Petrolisthes eriomerus</u>	crab, porcelain
<u>Petrolisthes gracilis</u>	crab, porcelain
<u>Petrolisthes granulatus</u>	crab, porcelain
<u>Petrolisthes japonicus</u>	crab, porcelain
<u>Petrolisthes laevigatus</u>	crab, porcelain
<u>Petrolisthes manimaculis</u>	crab, porcelain
<u>Petrolisthes tuberculatus</u>	crab, porcelain
<u>Petrolisthes violaceus</u>	crab, porcelain
ORDER Cladocera FAMILY Daphnidae <u>Ceriodaphnia dubia</u>	
	flea, water
ORDER Mysidacea FAMILY Mysidae <u>Mysidopsis bahia</u>	
	shrimp, mysid

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
CLASS Insecta	
ORDER Coleoptera	
FAMILY Apionidae	
<u>Apion scutellare</u>	biocontrol agent, gorse
FAMILY Buprestidae	
<u>Lius poseidon</u>	biocontrol agent, clidemia
FAMILY Chrysomelidae	
<u>Chlamisus gibbosa</u>	biocontrol agent, Blackberry
FAMILY Coccinellidae	
<u>Delphastus pusillus</u>	predator, spiraling whitefly
<u>Hippodamia convergens</u>	beetle, convergent lady
<u>Nephaspis oculatus</u>	predator, spiraling whitefly
<u>Nephaspis bicolor</u>	predator, spiraling whitefly
<u>Stethorus nigripes</u>	predator, spider mites
<u>Stethorus picipes</u>	predator, spider mites
FAMILY Curculionidae	
<u>Acythopeus</u> sp. 1	biocontrol agent, ivy gourd
<u>Acythopeus</u> sp. 2	biocontrol agent, ivy gourd
<u>Acythopeus</u> sp. 3	biocontrol agent, ivy gourd
<u>Auletobius convexifrons</u>	biocontrol agent, firetree
<u>Gymnaetron tetrum</u>	biocontrol agent, common mullein
FAMILY Scarabaeidae	
<u>Euoniticellus intermedius</u>	predator, hornfly
<u>Onitis vanderkelleni</u>	predator, horn fly
ORDER Diptera	
FAMILY Chamaemyiidae	
<u>Leucopis</u> (all species in subgenus)	predator

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
FAMILY Drosophilidae	
<u>Drosophila</u> (all species in genus)	flies, pomace
<u>Zapriothrica</u> sp.	biocontrol agent, banana poka
FAMILY Lonchaeidae	
<u>Dasiops curubae</u>	biocontrol agent, banana poka
FAMILY Muscidae	
<u>Musca domestica</u>	house fly
FAMILY Tephritidae	
<u>Ceratitus capitata</u>	fly, Mediterranean fruit
<u>Urophora stylata</u>	biocontrol agent, bull thistle
ORDER Heteroptera	
FAMILY Anthocoridae	
<u>Orius tristicolor</u>	bug, minute pirate
ORDER Homoptera	
FAMILY Eriococcidae	
<u>Tectococcus ovatus</u>	biocontrol agent, strawberry guava
ORDER Hymenoptera	
FAMILY Aphelinidae	
<u>Aphelinus</u> (all species in genus)	parasite, aphid
<u>Cales noacki</u>	parasite, woolly whitefly
<u>Encarsia formosa</u>	parasite, greenhouse whitefly
<u>Encarsia guadeloupae</u>	parasite, spiraling whitefly
<u>Encarsia ?haitiensis</u>	parasite, spiraling whitefly
<u>Encarsia lutea</u>	parasite, sweetpotato whitefly
<u>Encarsia mineoi</u>	parasite, sweetpotato whitefly
<u>Encarsia pergandiella</u>	parasite, greenhouse whitefly

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Mesidia</u> (all species in genus)	parasite, aphid
<u>Mesidiopsis</u> (all species in genus)	parasite, aphid
<u>Protaphelinus</u> (all species in genus)	parasite, aphid
FAMILY Aphidiidae	
Aphidiidae (all species in family)	parasite, aphid
FAMILY Bethylidae	
<u>Cephalonomia stefanoderis</u> (lab-reared strains)	parasite, tropical nut borer
<u>Prorops nasuta</u> (lab-reared strains)	parasite, tropical nut borer
FAMILY Braconidae	
<u>Apanteles gelechiidivorus</u>	parasite, tomato pinworm
<u>Apanteles scutellaris</u>	parasite, tomato pinworm
<u>Diachasmimorpha tryoni</u>	wasp, parasitic
<u>Fopius ceratitivorus</u>	biocontrol agent, Mediterranean fruit fly
<u>Heterospilus coffeicola</u> (lab-reared strains)	parasite, tropical nut borer
<u>Opius dissitus</u>	parasite, leafminer
<u>Opius dimidiatus</u>	parasite, leafminer
<u>Orgilus elasmopalpi</u>	parasite, lesser cornstalk borer
<u>Parahormius pallidipes</u>	parasite, tomato pinworm
<u>Pseudapanteles dignus</u>	parasite, tomato pinworm
<u>Psytallia insignipennis</u>	parasite, Medfly
FAMILY Cynipidae	
<u>Ganaspidium utilis</u>	parasite, leafminer
FAMILY Encyrtidae	
<u>Copidosoma truncatellum</u>	parasite, green garden looper
<u>Psyllaephagus yaseeni</u>	parasite, leucaena psyllid
<u>Zeteticontus utilis</u>	parasite, souring beetles
FAMILY Eulophidae	
<u>Aprostocetus nitens</u>	parasite, erythrina gall wasp
<u>Chrysocharis oscinidis</u>	parasite, leafminer

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Chrysonotomyia punctiventris</u>	parasite, leafminer
<u>Diaulinopsis callichroma</u>	parasite, leafminer
<u>Diglyphus begini</u>	parasite, leafminer
<u>Horismenus elineatus</u>	parasite, lesser cornstalk borer
<u>Pediobius acantha</u>	parasite, leafminer
<u>Phymasticus coffea</u> (lab-reared strains)	parasite, tropical nut borer
<u>Sympiesis stigmatipennis</u>	parasite, tomato pinworm
<u>Tetrastichus brontispae</u>	parasite, blue coconut leaf beetle
FAMILY Ichneumonidae	
<u>Diadegma aemiclausum</u>	parasite, diamondback moth
<u>Diadegma collaris</u>	parasite, diamondback moth
FAMILY Platygasteridae	
<u>Amitas ?spiniferus</u>	parasite, woolly whitefly
FAMILY Pteromalidae	
<u>Halticoptera patellana</u>	parasite, leafminer
FAMILY Tenthredinidae	
<u>Priophorus morio</u>	biocontrol agent, blackberry
ORDER Isoptera	
FAMILY Rhinotermitidae	
<u>Coptotermes formosanus</u>	termite, Formosan subterranean
ORDER Lepidoptera	
FAMILY Carposinidae	
<u>Carposinia bullata</u>	biocontrol agent, Koster's curse
FAMILY Coleophoridae	
<u>Coleophora klimeschiella</u>	biocontrol agent, Russian thistle
<u>Coleophora parthenica</u>	biocontrol agent, Russian thistle

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
FAMILY Crambidae <u>Pyrausta perelegans</u>	biocontrol agent, banana poka
FAMILY Dioptidae <u>Josia ligata</u>	biocontrol agent, banana poka
<u>Josia fluonia</u>	biocontrol agent, banana poka
FAMILY Gracillariidae <u>Caloptilia schinella</u>	biocontrol agent, firetree
<u>Phyllonorycter myricae</u>	biocontrol agent, firetree
FAMILY Momphidae <u>Mompha trithalama</u>	biocontrol agent, Koster's curse
FAMILY Noctuidae <u>Antiblemma acclinalis</u>	biocontrol agent, Koster's curse
<u>Cucullia verbasci</u>	biocontrol agent, common mullein
FAMILY Notodontidae <u>Cyanotricha necyria</u>	biocontrol agent, banana poka
FAMILY Oecophoridae <u>Agonopterix utlicetella</u>	biocontrol agent, gorse
FAMILY Pyralidae <u>Ephestia kuehniella</u>	moth, Mediterranean flour
<u>Galleria mellonella</u>	moth, greater wax
<u>Pempelia genistella</u>	biocontrol agent, gorse
FAMILY Riodinidae	
FAMILY Scythrididae <u>Scythris gallicella</u>	biocontrol agent, gorse
FAMILY Sesiidae <u>Melittia oedipus</u>	biocontrol agent, ivy gourd

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Pennisetia marginata</u>	biocontrol agent, blackberry
FAMILY Tortricidae	
<u>Cryptophlebia ombrodelta</u>	moth, litchi fruit
ORDER Thysanoptera	
FAMILY Thripidae	
<u>Scolothrips sexmaculatus</u>	thrips, sixspotted
<u>Sericothrips staphylinus</u>	biocontrol agent, gorse
CLASS Crustacea	
ORDER Decapoda	
FAMILY Alpheidae	
<u>Athanas</u> (all species in genus)	shrimp, anemone
FAMILY Cambaridae	
<u>Cambarus</u> (all species in genus)	crayfish
FAMILY Coenobitidae	
<u>Birgus latro</u>	crab, coconut
<u>Coenobita brevimanus</u>	crab, hermit
<u>Coenobita perlatus</u>	crab, hermit
FAMILY Gecarcinidae	
<u>Cardisoma carnifex</u>	crab, land
<u>Cardisoma guanhumi</u>	crab, great land
<u>Gecarcoides lalandii</u>	crab, land
FAMILY Hippolytidae	
<u>Thor amoinessis</u>	shrimp, anemone
<u>Thor paschalis</u>	shrimp, anemone
FAMILY Majidae	
<u>Mithrax spinosissimus</u>	crab, herbivorous; spider, spiny
FAMILY Ocypodidae	
<u>Uca</u> (all species in genus)	crab, fiddler
FAMILY Palaemonidae	
<u>Periclimenes brevicarpalis</u>	shrimp, anemone

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Periclimenes longirostris</u>	shrimp, anemone
<u>Periclimenes ornatus</u>	shrimp, anemone
<u>Periclimenes paraornatus</u>	shrimp, anemone
<u>Periclimenes tunipes</u>	shrimp, anemone
CLASS Merostomata	
ORDER Xiphosura	
FAMILY Limulidae	
<u>Limulus polyphemus</u>	crab, horseshoe
PHYLUM Chordata	
CLASS Ascidiacea	
ORDER Aplousobranchia	
FAMILY Didemnidae	
<u>Lissoclinum patellum</u>	tunicates (sea squirts)
PHYLUM Cnidaria	
CLASS Anthozoa	
ORDER Actinaria	
FAMILY Actiniidae	
Actiniidae (all species in family)	anemone, sea
FAMILY Edwardsiidae	
<u>Nematostella vectensis</u>	anemone, starlet sea
FAMILY Stichodactylidae	
Stichodactylidae (all species in family)	anemone, sea
FAMILY Thalassianthidae	
Thalassianthidae (all species in family)	anemone, sea
ORDER Alcyonacea	
FAMILY Acanthogorgiidae	
Acanthogorgiidae (all species in family)	gorgonian
FAMILY Alcyoniidae	

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
Alcyoniidae (all species in family, except <u>Sarcophyton ehrenbergi</u> , <u>S. glaucum</u> , <u>S. trocheliophorum</u>)	coral, leather
FAMILY Asterozoniariidae Asterozoniariidae (all species in family)	coral, leather
FAMILY Briareidae Briareidae (all species in family)	gorgonian
FAMILY Clavulariidae Clavulariidae (all species in family)	polyp, star
FAMILY Cornulariidae Cornulariidae (all species in family)	polyp, star
FAMILY Ellisellidae Ellisellidae (all species in family)	gorgonian
FAMILY Gorgoniidae Gorgoniidae (all species in family)	gorgonian
FAMILY Isidadae Isidadae (all species in family)	gorgonian
FAMILY Melithaeidae Melithaeidae (all species in family)	gorgonian
FAMILY Nephtheidae Nephtheidae (all species in family)	coral, tree
FAMILY Nidaliidae Nidaliidae (all species in family)	coral, tree
FAMILY Paraclyoniidae Paraclyoniidae (all species in family)	coral, Christmas tree
FAMILY Subergordiidae Subergordiidae (all species in family)	gorgonian
FAMILY Tubiporidae	

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
Tubiporidae (all species in family)	coral, red pipe organ
FAMILY Xeniidae Xeniidae (all species in family)	coral, pulse
ORDER Antipatharia Antipatharia (all species in order)	coral, black and whip
ORDER Ceriantharia Ceriantharia (all species in order)	anemone, tube
ORDER Corallimorpharia FAMILY Discosomatidae Discosomatidae (all species in family)	anemone, mushroom in
FAMILY Ricordeidae Ricordeidae (all species in family)	anemone, mushroom
ORDER Helioporacea FAMILY Helioporidae <u>Heliopora coerulea</u>	coral, blue
ORDER Pennatulacea Pennatulacea (all species in order)	sea pen
ORDER Scleractinia FAMILY Acroporidae Acroporidae (all species in family, except <u>Acropora aspersa</u> , <u>A. austera</u> , <u>A. elseyi</u> , <u>A. formosa</u> , <u>A. microphthalma</u> , <u>A. nana</u>)	coral, staghorn
FAMILY Agariciidae Agariciidae (all species in family)	coral
FAMILY Astrocoeniidae Astrocoeniidae (all species in family)	coral
FAMILY Caryophylliidae Caryophylliidae (all species)	coral

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
in family)	
FAMILY Dendrophylliidae Dendrophylliidae (all species in family)	coral
FAMILY Faviidae Faviidae (all species in family)	coral
FAMILY Fungiidae Fungiidae (all species in family)	coral, mushroom
FAMILY Merulinidae Merulinidae (all species in family)	coral
FAMILY Mussidae Mussidae (all species in family)	coral
FAMILY Oculinidae Oculinidae (all species in family)	coral
FAMILY Pectiniidae Pectiniidae (all species in family)	coral
FAMILY Pocilloporidae Pocilloporidae (all species in family)	coral
FAMILY Poritidae Poritidae (all species in family)	coral
FAMILY Siderastreidae Siderastreidae (all species in family)	coral
FAMILY Trachyphylliidae Trachyphylliidae (all species in family)	coral
ORDER Zoantharia	
FAMILY Epizoanthidae Epizoanthidae (all species in family)	polyp, button
FAMILY Parazoanthidae Parazoanthidae (all species	polyp, button

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
in family)	
FAMILY Zoanthidae Zoanthidae (all species in family)	polyp, button
CLASS Hydrozoa ORDER Hydroidea FAMILY Stylasteridae Stylasteridae (all species in family)	coral, lace
CLASS Scyphozoa ORDER Rhizostomeae Rhizostomeae (all species in order)	jellyfish
ORDER Semaestomeae Semaestomeae (all species in order)	jellyfish
PHYLUM Echinodermata CLASS Crinoidea Crinoidea (all species in class)	crinoid
CLASS Echinoidea Echinoidea (all species in class)	echinoderm
PHYLUM Echiuroida CLASS Echiura ORDER Xenopneusta FAMILY Urechidae <u>Urechis caupo</u>	worm, innkeeper
PHYLUM Mollusca	

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
CLASS Bivalvia ORDER Arcoida FAMILY Arcidae <u>Anadara maculosa</u>	clam, Fiji
ORDER Veneroida FAMILY Veneridae <u>Gafarium tumidum</u>	clam, Fiji
CLASS Cephalopoda ORDER Nautilida FAMILY Nautilidae <u>Nautilus belauensis</u> <u>Nautilus pompilius</u>	nautilus nautilus
ORDER Octopoda FAMILY Octopodidae <u>Octopus</u> sp. 19 [Norman 2000] <u>Octopus</u> sp. 20 [Norman 2000]	octopus, mimic octopus, "Wunderpus"
ORDER Sepioidea FAMILY Idiosepiidae <u>Idiosepius paradoxus</u> <u>Idiosepius pygmaeus</u>	squid, northern pygmy squid, two-tone pygmy
FAMILY Sepiadariidae <u>Sepioloidea lineolata</u>	squid, striped pyjama
FAMILY Sepiidae <u>Sepia</u> (all species in genus)	cuttlefish
ORDER Teuthoidea FAMILY Loliginidae <u>Sepioteuthis lessoniana</u>	squid, baby
CLASS Gastropoda ORDER Anaspidea	

SCIENTIFIC NAMECOMMON NAME

FAMILY Aplysiidae
Aplysia californica

sea hare, California

ORDER Mesogastropoda

FAMILY Ampullariidae

Pila ampullacea
Pila angelica
Pila conica
Pila luzonica
Pila polita
Pila scutata
Pomacea (all species in genus)

snail, apple
 snail, apple
 snail, apple
 snail, apple
 snail, apple
 snail, apple
 snail, apple

FAMILY Cypraeidae
 Cypraeidae (all species
 in family)

cowry

FAMILY Strombidae

Lambis lambis
Strombus luhuanus

conch
 conch

FAMILY Vermetidae

Dendropoma gregaria
Dendropoma meroclista
Dendropoma platypus
Dendropoma psarocephala
Petalconchus keenae
Serpulorbis variabilis

vermetid
 vermetid
 vermetid
 vermetid
 vermetid
 vermetid

ORDER Neogastropoda

FAMILY Conidae

Conus marmoreus

snail, marine

FAMILY Muricidae

Drupa morum
Drupa ricina

snail, marine
 snail, marine

ORDER Pulmonata

FAMILY Vaginulidae

Vaginulus plebeius

slug, land

PHYLUM Nemata (=Nematoda)

CLASS Adenophorea

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
ORDER Mermithida FAMILY Mermithidae <u>Romanomermis culicivorax</u>	nematode, mosquito
ORDER Trichocephalida FAMILY Trichinellidae <u>Trichinella spiralis</u>	nematode
FAMILY Trichuridae <u>Capillaria</u> (all species in genus)	nematode
CLASS Secernentea ORDER Ascaridida FAMILY Anisakidae <u>Anisakis</u> (all species in genus)	nematode
FAMILY Ascarididae <u>Ascaris lumbricoides</u>	nematode
FAMILY Dioctophymatidae <u>Dioctophyma renale</u>	nematode
FAMILY Toxocaridae <u>Toxocara</u> (all species in genus)	nematode
ORDER Camallanida FAMILY Dracunculidae <u>Dracunculus medinensis</u>	nematode
ORDER Rhabditida FAMILY Cephalobidae <u>Chiloplacus</u> (all species in genus) <u>Panagrellus</u> (all species in genus) <u>Turbatrix aceti</u> <u>Turbatrix silusae</u>	nematode, free living nematode, saprophytic eel, vinegar microworm
FAMILY Heterorhabditidae <u>Heterorhabditis bacteriophora</u> <u>Heterorhabditis megides</u>	nematode, entomogenous nematode, entomogenous
FAMILY Steinernematidae <u>Neaplectana</u> (all species in genus)	nematode, entomogenous

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Steinernema</u> (all species in genus except <u>S. carpocapsae</u>)	nematode, entomogenous
ORDER Strongylida	
FAMILY Ancylostomatidae	
<u>Ancylostoma</u> (all species in genus)	nematode
FAMILY Metastrongylidae	
<u>Angiostrongylus costaricensis</u>	nematode, rat
FAMILY Strongyloididae	
<u>Strongyloides</u> (all species in genus)	nematode
FAMILY Uncinariidae	
<u>Necator americanus</u>	nematode
ORDER Tylenchida	
FAMILY Allantonematidae	
<u>Heterotylenchus autumnalis</u>	nematode, entomogenous
FAMILY Criconematidae	
<u>Meloidogyne incognita</u>	nematode, root-knot
PHYLUM Platyhelminthes	
CLASS Catenulida	
ORDER Turbellaria	
FAMILY Stenostomidae	
<u>Stenostomum</u> (all species in genus)	flatworm
CLASS Cestoda	
ORDER Cyclophyllidea	
FAMILY Dilepididae	
<u>Dipylidium caninum</u>	cestode
FAMILY Taeniidae	
<u>Taenia</u> (all species in genus)	cestode
<u>Echinococcus</u> (all species in genus)	cestode
ORDER Pseudophyllidea	
FAMILY Diphyllbothriidae	

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Diphyllobothrium latum</u>	cestode
CLASS Trematoda	
ORDER Echinostomida	
FAMILY Fasciolidae	
<u>Fasciola hepatica</u>	trematode
<u>Fasciolopsis buski</u>	trematode
FAMILY Gastrodiscidae	
<u>Gastrodiscoides hominis</u>	trematode
ORDER Opisthorchiida	
FAMILY Heterophyidae	
<u>Heterophyes heterophyes</u>	trematode
FAMILY Opisthorchiidae	
<u>Opisthorchis viverrini</u>	trematode
ORDER Plagiorchiida	
FAMILY Paragonimidae	
<u>Paragonimus</u> (all species in genus)	trematode
ORDER Strigeidida	
FAMILY Schistosomatidae	
<u>Schistosoma</u> (all species in genus)	trematode

AMPHIBIANS

PHYLUM Chordata	
CLASS Amphibia	
ORDER Caudata	
FAMILY Ambystomidae	
<u>Ambystoma jeffersonianum</u>	salamander, mole
<u>Ambystoma texanum</u>	salamander, mole
FAMILY Cryptobranchidae	
<u>Andrias japonicus</u>	salamander, Japanese

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Andrias (Megalobatrachus)</u>	giant salamander, Chinese
<u>japonicus davidianus</u>	giant salamander, hellbender
<u>Cryptobranchus alleganiensis</u>	
FAMILY Plethodontidae	
<u>Eurycea longicauda</u>	salamander, long-tailed
FAMILY Salamandridae	
<u>Echinotriton andersoni</u>	newt, spiny
<u>Notophthalmus viridescens</u>	newt, red-spotted
ORDER Saliencia	
FAMILY Bufonidae	
<u>Bufo</u> (all species in genus)	toad
FAMILY Discoglossidae	
<u>Bombina maxima</u>	toad, giant fire-bellied
<u>Bombina orientalis</u>	toad, fire-bellied
FAMILY Hylidae	
<u>Agalychnis annae</u>	treefrog, yellow-eyed
<u>Agalychnis callidryas</u>	treefrog, red-eyed
<u>Pachymedusa dacnicolor</u>	treefrog, Mexican giant
<u>Smilisca baudini smilisca</u>	treefrog, mottled (Mexican)
FAMILY Leptodactylidae	
<u>Ceratophrys calcarata</u>	frog, Columbian horned
<u>Ceratophrys ornata</u>	frog, ornate horned
<u>Leptodactylus pentadactylus</u>	bullfrog, South American
FAMILY Microhylidae	
<u>Dyscophus</u> (all species in genus)	frog, tomato
<u>Kaloula mediolineata</u>	toad, Siamese-painted toad, Malayan narrow-mouthed
FAMILY Pelobatidae	
<u>Megophrys montana nasuta</u>	frog, Siamese-horned
<u>Megophrys monticola nasuta</u>	frog, Asian-horned
FAMILY Pipidae	
<u>Pipa pipa</u>	toad, Surinam

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Xenopus laevis</u>	frog, African clawed
FAMILY Ranidae	
<u>Pyxicephalus adspersus</u>	bullfrog, (African grove crown)
FAMILY Rhacophoridae	
<u>Kassina maculata</u>	frog, spotted running
<u>Mantella</u> (all species in genus)	frog, golden
<u>Rhacophorus</u> (<u>Polypedates</u>)	frog, bamboo climbing
<u>leucomystax</u>	(gold) (white-bearded flying)

REPTILES

PHYLUM Chordata	
CLASS Reptilia	
ORDER Crocodylia	
FAMILY Crocodylidae	
<u>Alligator mississippiensis</u>	alligator, American
(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)	
<u>Caiman crocodilus</u>	caiman, spectacled
(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)	
<u>Crocodylus</u> (all species in genus)	crocodile
(Prohibited for short-term	

SCIENTIFIC NAMECOMMON NAME

performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)	
<u>Gavialis gangeticus</u> (Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)	gavial, garial
ORDER Squamata Two non-venomous male snakes in the suborder Serpentes for exhibition in a government zoo	snakes, non-venomous
FAMILY Agamidae	
<u>Acanthosaura armata</u>	lizard, mountain horned
<u>Agama agama</u>	lizard, common agama
<u>Agama atricollis</u>	lizard, South African agama
<u>Agama stellio</u>	hardum
<u>Calotes calotes</u>	lizard, sawback agamidae
<u>Ceratophora stoderti</u>	lizard, horned agama
<u>Ctenophor (Amphibolurus) cristatus</u>	lizard, crested dragon
<u>Ctenophor (Amphibolurus) scutulatus</u>	lizard, lozenge marked dragon
<u>Draco</u> (all species in genus)	lizard, flying dragon
<u>Gonocephalus borniensis</u>	lizard, horn-headed tree dragon
<u>Hydrosaurus</u> (all species in genus)	lizard, sailfin
<u>Leiolepis belliana</u>	lizard, smooth-scaled agama, butterfly
<u>Leiolepis rubritaeniata</u>	lizard, giant ground
<u>Moloch horridus</u>	lizard, thorny devil
<u>Physignathus cocincinus</u>	lizard, Malayan water

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
	dragon
<u>Physignathus lesueuri</u>	lizard, brown water dragon
<u>Pogona (Amphibolurus) barbatus</u>	lizard, Australian Bearded dragon
<u>Pogona (Amphibolurus) nullarbor</u>	lizard, Nullarbor bearded dragon
<u>Pogona (Amphibolurus) vitticeps</u>	dragon, inland bearded
FAMILY Anguidae	
<u>Gerrhonotus (Elguria) multicarinata</u>	lizard, southern alligator
<u>Ophisaurus ventralis</u>	lizard, eastern glass
FAMILY Chamaeleonidae	
<u>Chamaeleo chamaeleon</u>	chameleon, common
<u>Furcifer oustaleti</u> (<u>Chamaeleo oustaleti</u>)	chameleon, Oustalet's
FAMILY Colubridae	
<u>Boiga irregularis</u> (four sterile snakes for research or training of snake detector dogs)	snake, brown tree male
FAMILY Cordylidae	
<u>Cordylus cataphractus</u>	lizard, armadillo
<u>Cordylus giganteus</u>	lizard, sun gazer
<u>Cordylus warreni</u>	lizard, Warrens girdled
<u>Gerrhosaurus flavigularis</u>	lizard, yellow-throated plated
<u>Gerrhosaurus major</u>	lizard, tawny plated
<u>Gerrhosaurus nigrolineatus</u> plated	lizard, black-lined
FAMILY Gekkonidae	
<u>Chondrodactylus angulifer</u>	gecko, sand
<u>Coleonyx elegans</u>	gecko, elegant banded
<u>Coleonyx variegatus</u>	gecko, western banded
<u>Cyrtodactylus pulchellus</u>	gecko, Malayan banded (naked-toe)
<u>Cyrtodactylus louisadensis</u>	gecko, naked-finger
<u>Diplodactylus spinigerus</u>	gecko, West Australian spiny-tailed (zig-zag)

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Eublepharis macularius</u>	gecko, leopard
<u>Gehyra mutilata</u> (Peropus)	gecko, stump-toed
<u>Gekko gekko</u>	gecko, tokay
<u>Gekko stentor</u>	gecko, giant
<u>Gymnodactylus penguensis</u> <u>zebraic</u>	gecko, leopard's (bent-toe)
<u>Hemidactylus frenatus</u>	gecko, house
<u>Hemidactylus garnoti</u>	gecko, Indo-Pacific
<u>Hemiphyllodactylus typus</u>	gecko, tree
<u>Hemitheconyx caudicinctus</u>	gecko, African fat-tailed
<u>Homopholus walbergi</u>	gecko, Wallberg's velvety
<u>Nephrurus</u> (all species in genus)	gecko, knob-tailed
<u>Oedura lesueuri</u>	gecko, Lesueur's velvet
<u>Oedura marmorata</u>	gecko, velvet
<u>Oedura robusta</u>	gecko, robust velvet
<u>Pachydactylus bibroni</u>	gecko, Bibron's
<u>Phelsuma abbotti</u>	gecko, Aldabra day
<u>Phelsuma cepediana</u>	gecko, blue-tailed day
<u>Phelsuma guimbeaui</u>	gecko, orange-spotted day
<u>Phelsuma laticauda</u>	gecko, gold dust day
<u>Phelsuma madagascariensis</u>	gecko, Madagascar day
<u>Phelsuma ornata</u>	gecko, Reunion Island day (ornate day)
<u>Phyllurus cornutus</u>	gecko, northern leaf-tailed
<u>Phyllurus platurus</u>	gecko, southern leaf-tailed
<u>Ptychozoon kuhli</u>	gecko, flying
<u>Ptychozoon lionotum</u>	gecko, flying
<u>Rhacodactylus leachianus</u>	gecko, New Caledonia giant
<u>Thecadactylus rapicauda</u>	gecko, turnip-tailed
<u>Underwoodsaurus mili</u>	gecko, turnip-tailed
<u>Uroplatus</u> (all species in genus)	gecko, flat-tailed
FAMILY Iguanidae	
<u>Anolis equestris</u>	lizard, knight anole
<u>Basiliscus basiliscus</u>	lizard, brown basilisk
<u>Basiliscus plumifrons</u>	lizard, green basilisk (double crested)
<u>Basiliscus vittatus</u>	lizard, banded basilisk
<u>Brachylophus fasciatus</u>	iguana, Tongan (Fiji banded)

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Callisaurus draconoides</u>	lizard, zebra-tailed
<u>Corytophanes cristatus</u>	iguana, helmeted
<u>Crotaphytus collaris</u>	lizard, collared
<u>Ctenosaura similis</u>	iguana, spiny-tailed
<u>Cyclura macleani</u>	iguana, Cuban (rhinoceros)
<u>Dipsosaurus dorsalis</u>	iguana, desert
<u>Enyaliosaurus quinquecarinatus</u>	iguana, club tail
<u>Gambelia wislizeni</u>	lizard, long-nosed leopard
<u>Holbrookia maculata</u>	lizard, lesser earless
<u>Iguana</u> (all species in genus)	iguana
<u>Phrynosoma</u> (all species in genus)	lizard, horned (horned toad)
<u>Sauromalus obesus</u>	lizard, chuckwalla
<u>Sauromalus varius</u>	lizard, chuckwalla
<u>Sceloporus clarki</u>	lizard, Clark's spiny
<u>Sceloporus jarrovi</u>	lizard, Yarrow's spiny
<u>Sceloporus magister</u>	lizard, desert spiny
<u>Sceloporus occidentalis</u>	lizard, western fence
<u>Sceloporus orcutti</u>	lizard, granite spiny
<u>Urosaurus ornatus</u>	lizard, tree
<u>Uta stansburiana</u>	lizard, side-blotched
FAMILY Lacertidae	
<u>Lacerta lepida</u>	lizard, jeweled lacerta
<u>Lacerta sicula</u>	lizard, European wall
<u>Lacerta viridis</u>	lizard, green
<u>Takydromus sexlineatus</u>	lizard, long-tailed (oriental six-lined runner)
FAMILY Pygopodidae	
<u>Delma impar</u>	lizard, smooth-scaled scalefoot
<u>Lialis burtonis</u>	lizard, Burton's snake
<u>Pygopus lepidopodus</u>	lizard, common scaley- foot
FAMILY Scincidae	
<u>Acontias percivali</u>	lizard, East African legless
<u>Corucia zebrata</u>	skink, green tree
<u>Cryptoblepharus boutoni</u>	skink, snake-eyed
<u>Cyclodomorphus (Tiliqua) branchialis</u>	skink, West Australian short-limbed

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Dasia smaragdina</u>	skink, spotted green tree
<u>Egernia cunninghami</u>	skink, Cunningham's
<u>Egernia stokesii</u>	skink, gidgee
<u>Emoia cyanura</u>	skink, blue-tailed slender
<u>Eumeces obsoletus</u>	skink, Great Plains
<u>Leiolopisma metallicum</u>	skink, metallic
<u>Lipinia noctua</u>	skink, moth
<u>Mabuya capensis</u>	skink, South African
<u>Mabuya capensis</u>	skink, South African blue-tailed
<u>Mabuya macularia</u>	skink, orange-throated
<u>Omolepida (Tiliqua) branchialis</u>	skink, Australian short-limbed
<u>Tiliqua nigrolutea</u>	skink, blotched- blue-tongued
<u>Tiliqua occipitalis</u>	skink, West Australian blue-tongued
<u>Tiliqua scincoides</u>	skink, blue-tongued
<u>Trachysaurus rugosus (Tiliqua rugosus)</u>	skink, shingle back
FAMILY Teiidae	
<u>Ameiva ameiva</u>	lizard, jungle runners
<u>Callopistes maculatus</u>	lizard, monitor tegu
<u>Cnemidophorus tessellatus</u>	lizard, checkered whiptail
<u>Cnemidophorus tigris</u>	lizard, western whiptail
<u>Tubinambis nigropunctatus</u>	lizard, golden tegu
<u>Tupinambis rufescens</u>	lizard, tegu red
<u>Tupinambis teguixin</u>	lizard, tegu black
FAMILY Varanidae	
<u>Varanus acanthurus</u>	monitor, spiny-tailed
<u>Varanus bengalensis</u>	monitor, Bengal
<u>Varanus dumerili</u>	monitor, Dumeril's
<u>Varanus exanthematicus</u>	monitor, savannah
<u>Varanus giganteus</u>	monitor, Perentee
<u>Varanus gouldi</u>	monitor, Gould's
<u>Varanus indicus</u>	monitor, Pacific
<u>Varanus komodoensis</u>	monitor, komodo
<u>Varanus niloticus</u>	monitor, Nile
<u>Varanus salvadori</u>	monitor, crocodile
<u>Varanus salvator</u>	monitor, water
<u>Varanus storri</u>	monitor, pygmy (Storr's dwarf)

SCIENTIFIC NAMECOMMON NAMEVaranus varius

monitor, variegated

ORDER Testudines

FAMILY Chelidae

Chelus fimbriatus

turtle, mata mata

Emydura albertisiturtle, New Guinea snake
neckPodocnemis unifilisturtle, yellow-spotted
Amazon

FAMILY Chelydridae

Chelydra serpentina

turtle, snapping

Macroclermys temminckiturtle, alligator
snapping

FAMILY Emydidae

Heosemys grandis

turtle, Asian temple

FAMILY Pelomedusidae

Pelomedusa subrufa olivacea

turtle, helmeted

Pelusios (all species in genus)terrapins, African
Hinged

FISHES

PHYLUM Chordata

CLASS Chondrichthyes

ORDER Carcharhiniformes

FAMILY Carcharhinidae

Carcharhinus amblyrhynchos

shark, gray reef

Carcharhinus galapagensis

shark, Galapagos

Carcharhinus longimanus

shark, oceanic whitetip

Carcharhinus limbatus

shark, blacktip

CLASS Osteichthyes

ORDER Acipenseriformes

FAMILY Acipenseridae

Acipenser baeri

sturgeon, Siberian

Acipenser brevirostrum

sturgeon, shortnose

Acipenser fulvescens

sturgeon, lake

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Acipenser guldenstadti</u>	sturgeon, Russian
<u>Acipenser guldenstadti</u> x <u>Huso huso</u>	sturgeon, Oceber
<u>Acipenser medirostris</u>	sturgeon, green
<u>Acipenser oxyrhynchus</u>	sturgeon, Atlantic
<u>Acipenser ruthenus</u>	sturgeon, Siberian; sterlet
<u>Acipenser ruthenus</u> x <u>Huso huso</u>	sturgeon, Bester
<u>Acipenser stellatus</u>	sturgeon, Sevruga (starry)
<u>Huso huso</u>	sturgeon, Beluga
<u>Scaphirhynchus albus</u>	sturgeon, pallid
<u>Scaphirhynchus platorhynchus</u>	sturgeon, shovelnose
FAMILY Polyodontidae	
<u>Polyodon spathula</u>	paddlefish
ORDER Atheriniformes	
FAMILY Atherinidae	
<u>Menidia beryllina</u>	silverside
ORDER Cypriniformes	
FAMILY Cyprinidae	
<u>Notemigonus crysoleucas</u>	minnow, golden shiner
<u>Pimephales promelas</u>	minnow, fathead
FAMILY Erythrinidae	
<u>Hoplias malabaricus</u>	tiger fish
ORDER Perciformes	
FAMILY Mugilidae	
<u>Mugil cephalus</u>	mullet, striped
FAMILY Nototheniidae	
<u>Dissostichus mawsoni</u>	cod, Antarctic
<u>Notothenia</u> (all species in genus)	cod, Antarctic
FAMILY Siganidae	
<u>Lo magnificus</u>	foxface, white (rabbitfish)
<u>Lo uspi</u>	foxface, bicolor (rabbitfish)
<u>Lo vulpinus</u>	lo, foxface (rabbitfish)
<u>Siganus corallinus</u>	rabbitfish, spotted
<u>Siganus lineatus</u>	goldenspot

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Siganus puellus</u>	rabbitfish, blueline
<u>Siganus vermiculatus</u>	rabbitfish, vermiculated
<u>Siganus vermiculatus</u>	rabbitfish, spinefoot
<u>Siganus virgatus</u>	rabbitfish, barhead
ORDER Siluriformes	
FAMILY Clariidae	
<u>Clarias fuscus</u>	catfish, Chinese
ORDER Synbranchiformes	
FAMILY Synbranchidae	
<u>Monopterus albe</u>	eel, rice paddy

BIRDS

(Taxonomy after Sibley and Monroe 1990)

PHYLUM Chordata	
CLASS Aves	
ORDER Anseriformes	
FAMILY Anatidae	
<u>Anas platyrhynchos</u>	duck, mallard
FAMILY Anhimidae	
<u>Chauna chavaria</u>	screamer, black-necked
ORDER Apterygiformes	
FAMILY Apterygidae	
<u>Apteryx australis</u>	kiwi, common zoi (brown)
ORDER Caprimulgiformes	
FAMILY Podargidae	
<u>Batrachostomus javensis</u>	frogmouth, Javan
<u>Podargus strigoides</u>	frogmouth, tawny
ORDER Casuariiformes	
FAMILY Casuariidae	

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Casuarius</u> (all species in genus)	cassowarie
FAMILY Dromaiidae	
<u>Dromaius novaehollandiae</u>	emu, common
ORDER Charadriiformes	
FAMILY Burhinidae	
<u>Burhinus bistratus</u>	thick-knee, double- striped
<u>Burhinus capensis</u>	cape thick-knee
FAMILY Charadriidae	
<u>Pluvialis dominica</u>	plover, lesser golden
<u>Vanellus armatus</u>	plover, blacksmith
<u>Vanellus spinosus</u>	plover, African spur-wing (spur-winged lapwing)
FAMILY Glareolidae	
<u>Glareola pratincola</u>	pratincoles, collared
FAMILY Haematopidae	
<u>Haematopus ostralegus</u>	oyster catcher, European
FAMILY Jacanidae	
<u>Actophilornis africana</u>	jacana, African
FAMILY Laridae	
<u>Anous stolidus</u>	tern, brown noddy
<u>Gygis alba</u>	tern, fairy
<u>Larosterna inca</u>	tern, Inca
<u>Larus atricilla</u>	gull, laughing
<u>Larus californicus</u>	gull, California
<u>Larus heermanni</u>	gull, Heermans
<u>Procelsterna cerulea</u>	noddy, blue-grey
<u>Sterna fuscata</u>	tern, sooty
<u>Sterna sumatrana</u>	tern, black-naped
<u>Thalasseus maximus</u>	tern, royal
FAMILY Recurvirostridae	
<u>Himantopus himantopus</u>	stilt, black-winged
<u>Himantopus mexicanus</u>	stilt, black-necked
FAMILY Scolopacidae	
<u>Limnodromus griseus</u>	dowitcher, short-billed

SCIENTIFIC NAMECOMMON NAME

ORDER Ciconiiformes

FAMILY Ardeidae

<u>Ardea herodias</u>	heron, great blue
<u>Ardeola (Bubulcus) ibis</u>	egrets, cattle
<u>Egretta alba</u>	egret, great
<u>Egretta garzetta</u>	egret, little
<u>Egretta intermedia</u>	egret, plumed
<u>Egretta thula</u>	egret, snowy
<u>Hydranassa caerulea</u>	heron, little blue
<u>Hydranassa tricolor</u>	heron, tricolored
<u>Tigrisoma lineatum</u>	heron, rufescent tiger

FAMILY Ciconiidae

<u>Anastomus lamelligerus</u>	stork, open-billed
<u>Ephippiorhynchus asiaticus</u>	stork, black-neck
<u>Ephippiorhynchus senegalensis</u>	stork, saddle-bill
<u>Jabiru mycteria</u>	jabiru
<u>Leptoptilos crumeniferus</u>	stork, Marabou

FAMILY Scopidae

<u>Scopus umbetta</u>	hammerkop (hammerhead)
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FAMILY Threskiornithidae

<u>Carphibis spinicollis</u>	ibis, straw-necked
<u>Eudocimus albus</u>	ibis, American white
<u>Plegadis falcinellus</u>	ibis, glossy

ORDER Coliiformes

FAMILY Coliidae

<u>Colius striatus</u>	mousebird, speckled
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ORDER Columbiformes

FAMILY Columbidae

<u>Caloenas nicobarica</u>	pigeon, Nicobar
<u>Didunculus strigirostris</u>	pigeon, tooth-billed
<u>Ducula aenea</u>	pigeon, green imperial
<u>Ducula bicolor</u>	pigeon, pied (imperial)
<u>Ducula myristicivora</u>	pigeon, New Guinea imperial
<u>Geopelia humeralis</u>	dove, bar-shouldered
<u>Goura cristata</u>	pigeon, common crowned
<u>Leucosarcia melanoleuca</u>	pigeon, wonga
<u>Macropygia phasianella</u>	dove, slender-bill

SCIENTIFIC NAMECOMMON NAME

Macropygia unchall
Otidiphaps nobilis

cuckoo
dove, bar-tailed cuckoo
pigeon, pheasant
(magnificent ground)

Ptilinopus jambu
Ptilinopus melanospila

pigeon, jambu fruit
pigeon, black naped
fruit

Ptilinopus perousii
Ptilinopus roseicapilla
Ptilinopus victor
Streptopelia risoria
Streptopelia senegalensis
Turtur chalcospilos

dove, many colored fruit
dove, Mariana fruit
dove, orange
dove, ringed turtle
dove, laughing
dove, wood emerald-
spotted
dove, long-tailed ground

Uropelia campestris

FAMILY Pteroclididae

Pterocles indicus
Syrrhaptes paradoxus

sandgrouse, painted
sandgrouse, pallas

ORDER Coraciiformes

FAMILY Alcedinidae

Alcedo cristata
Ceyx erithacus

kingfisher, malchite
kingfisher, Indian
forest

Ceyx rufidorsus
Dacelo gigas
Halcyon chloris

kingfisher, red-backed
kookabura, laughing
kingfisher, white-
collared

Halcyon cinnamomina
Halcyon leucocephala
Halcyon pileata
Halcyon recurvirostris
Tanysiptera galatea

kingfisher, Micronesian
kingfisher, grey-headed
kingfisher, black-capped
kingfisher, flat-billed
kingfisher, common
paradise

FAMILY Bucerotidae

Aceros leucocephalus
Aceros nipalensis
Aceros plicatus
Aceros undulatus
Anthracoceros coronatus
Anthracoceros malabaricus
Buceros bicornis
Buceros hydrocorax

hornbill, wrinkled
hornbill, rufous-necked
hornbill, Papuan
(Blyths)
hornbill, wreathed
hornbill, pied
hornbill, northern pied
hornbill, great
hornbill, rufous

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Buceros rhinoceros silvestris</u>	hornbill, rhinoceros
<u>Bucorvus abyssinicus</u>	hornbill, Abyssinian ground
<u>Bucorvus leadbeateri</u>	hornbill, African ground
<u>Penelopides exarhatus</u>	hornbill, Celebean
<u>Tockus erythrorhynchus</u>	hornbill, red-billed
FAMILY Coraciidae	
<u>Coracias benghalensis</u>	roller, Indian
<u>Coracias caudata</u>	roller, lilac-breasted
FAMILY Meropidae	
<u>Merops nubicus</u>	bee-eater, carmine
<u>Merops philippinus</u>	bee-eater, brown- breasted
FAMILY Momotidae	
<u>Momotus momota</u>	motmot, blue-crowned
FAMILY Phoeniculidae	
<u>Phoenicilus purpureus</u>	hoopoe, green wood
FAMILY Upupidae	
<u>Upupa epops</u>	hoopoe, common
ORDER Cuculiformes	
FAMILY Cuculidae	
<u>Carpococcyx renauldi</u>	cuckoo, red-billed ground
<u>Centropus sinensis</u>	coucal, greater
<u>Rhopodytes tristis</u>	malkoha, greater green- billed
FAMILY Musophagidae	
<u>Corythaixoides leucogaster</u>	go-away bird, white- bellied
<u>Tauraco erythrolophus</u>	turaco, red-crested
<u>Tauraco leucolophus</u>	turaco, white-crested
<u>Tauraco livingstonii</u>	turaco, Livingstone's
ORDER Falconiformes	
FAMILY Accipitridae	

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Aegypius monachus</u>	vulture, cinereous
<u>Aquila</u> (all species in genus)	eagle
<u>Buteo jamaicensis</u>	hawk, red-tailed
<u>Buteo solitarius</u>	hawk, Hawaiian
<u>Gyps africanus</u>	vulture, white-backed
<u>Gyps bengalensis</u>	vulture, white-backed
<u>Haliaeetus</u> (all species in genus)	eagle
<u>Haliastur indus</u>	kite, Brahminy
<u>Harpia harpyja</u>	eagle, harpy
<u>Harpyopsis novaegineae</u>	eagle, New Guinea harpy
<u>Heterospizias meridionalis</u>	hawk, savana
<u>Necrosyrtes monachus</u>	vulture, hooded
<u>Neophron percnopterus</u>	vulture, Egyptian
<u>Parabuteo unicinctus harrisi</u>	hawk, Harris's (bay-winged)
<u>Pithecophaga jefferyi</u>	eagle, monkey-eating
<u>Trigonoceps occipitalis</u>	vulture, white-headed
FAMILY Cathartidae	
<u>Cathartes aura</u>	vulture, turkey
<u>Coragyps atratus</u>	vulture, black
<u>Sarcorhamphus papa</u>	vulture, king
FAMILY Falconidae	
<u>Falco</u> (all species in genus)	falcon
<u>Herpetotheres</u> (all species in genus)	falcon
<u>Polihierax semitorquatus</u>	falcon, African pigmy
<u>Polyborus</u> (all species in genus)	caracara
FAMILY Sagittariidae	
<u>Sagittarius serpentarius</u>	secretary bird
ORDER Galliformes	
FAMILY Cracidae	
<u>Crax mitu</u>	curassow, razor-billed
<u>Penelope pileata</u>	guan, white crested
<u>Penelope purpurascens</u>	guan, crested
FAMILY Megapodiidae	
<u>Aepyodius arfakianus</u>	turkey, wattled brush
<u>Alectura lathami</u>	turkey, brush
<u>Megapodius freycinet</u>	scrubfowl, common
<u>Megapodius laperouse</u>	fowl, Micronesia scrub
<u>Megapodius pritchardii</u>	megapode, Niuafou'ou

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
FAMILY Phasianidae	
<u>Caloperdix oculea</u>	partridge, ferruginous wood
<u>Guttera edouardi</u>	fowl, crested Guinea
<u>Meleagris ocellata</u>	turkey, ocellated
ORDER Gruiformes	
FAMILY Eurypygidae	
<u>Eurypyga helias</u>	bittern, sun
FAMILY Gruidae	
<u>Grus japonensis</u>	crane, Manchurian
<u>Grus vipio</u>	crane, white-naped
FAMILY Psophiidae	
<u>Psophia crepitans</u>	trumpeter, common
<u>Psophia leucoptera</u>	trumpeter, white-winged
<u>Psophia viridis</u>	trumpeter, green-winged
FAMILY Rallidae	
<u>Aramides cajanea</u>	rail, grey-necked wood
<u>Limnocorax flavirostra</u>	crake, black
<u>Porphyrio poliocephalus</u>	moorhen
<u>Porphyrio pulverulentus</u>	pukeko
<u>Rallus owstoni</u>	rail, Guam
<u>Rallus philippensis</u>	rail, banded
ORDER Passeriformes	
FAMILY Alaudidae	
<u>Alauda arvensis</u>	skylark
<u>Eremopterix keycioareua</u>	lark, Fishers sparrow
FAMILY Artamidae	
<u>Artamus leucorhynchus</u>	swallow, white-breasted wood
FAMILY Bombycillidae	
<u>Ptilogonys cinereus</u>	flycatcher, gray silky
FAMILY Campephagidae	
<u>Coracina pectoralis</u>	shrike, white-breasted cuckoo
<u>Coracina tenuirostris</u>	bird, cicada
<u>Prionops plumata</u>	shrike, straight-crested

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
	helmet
FAMILY Corvidae	
<u>Cissa chinensis</u>	magpie, green
<u>Corvus albus</u>	crow, pied
<u>Corvus corax</u>	raven
<u>Corvus kubaryi</u>	crow, Mariana
<u>Cyanocitta cristata</u>	jay, blue
<u>Cyanocitta stelleri</u>	jay, Stellers
<u>Cyanocorax chrysops</u>	jay, pileated (plush crested)
<u>Platylophus galericulatus</u>	jay, crested
<u>Urocissa erythrorhyncha</u>	magpie, blue (red billed)
FAMILY Cotingidae	
<u>Cephalopterus penduliger</u>	umbrella bird, long- wattled
<u>Rupicola peruviana</u>	cock-of-the-rock, Andean
<u>Procnis nudicollis</u>	bellbird, naked throated
FAMILY Dicruridae	
<u>Dicrurus remifer</u>	drongo, lesser racket- tailed
FAMILY Emberizidae	
<u>Paroaria gularis pheucticus</u>	cardinal, black-throated (red-capped)
<u>Passerina cyanoides</u>	grosbeak, blue-back
<u>Pheucticus ludovicianus</u>	grosbeak, rose-breasted
<u>Pheucticus melanocephalus</u>	grosbeak, black-headed
FAMILY Estrildidae	
<u>Estrilda rhodopyga</u>	waxbill, crimson-rumped
<u>Lonchura maja</u>	nun, white-headed; white-headed munia
<u>Ortygospiza atricollis</u>	finch, quail
FAMILY Eurylaimidae	
<u>Calyptomena viridis</u>	broadbill, green
FAMILY Icteridae	
<u>Icterus chrysocephalus</u>	oriole, moriche
<u>Icterus icterus</u>	troupial
<u>Psarocolius decumanus</u>	oropendola, crested
FAMILY Irenidae	
<u>Chloropsis aurifrons</u>	leafbird, golden-fronted

SCIENTIFIC NAMECOMMON NAME

FAMILY Mimidae

Dumetella carolinensis

catbird, common

Mimus gilvus

mockingbird, tropical

FAMILY Motacillidae

Motacilla flava

wagtail, yellow

FAMILY Muscicapidae

Acrocephalus lusciniwarbler, nightingale
reedAcrocephalus syrinxwarbler, Caroline
Islands reedCettia subulata

warbler, bush

Cyornis tickelliaeflycatcher, Tickell's
blueErithacus calliope

rubythroat, Siberian

Erithacus komadori

robin, Temminck's

Erithacus obscurus

robin, black-throated

Eumyias thalassina

flycatcher, verditer

Ficedula narcissina

flycatcher, narcissus

Garrulax leucolophusthrush, white-crested
laughingGarrulax milnei

thrush, red-tailed

Garrulax monilegerlaughing
thrush, lesser necklacedMetabolus regensis

laughing

Monarcha godeffroyi

monarch, Truk

Monarcha takatsuakasae

monarch, Yap

Myadestes obscurus

monarch, Tinian

Myadestes townsendi

solitaire, brown-backed

Myiagra azureocapilla

solitaire, Townsend's

Myiagra erythrope

flycatcher, blue-crested

Myiophoneus caeruleus

broadbill, Palau

Niltava sundara

thrush, blue whistling

Pachycephala pectoralis

niltava, rufous-bellied

Phoenicurus aureus

whistler, golden

Rhipidura lepida

redstart, Daurian

Rhipidura rufifrons

fantail, Palau

Turdus migratorius

fantail, rufous

robin, American

FAMILY Oriolidae

Oriolus chinensis

oriole, black-naped

FAMILY Paradisaeidae

Astrapia mayeri

astrapia, ribbon-tailed

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Astrapia stephaniae</u>	bird-of-paradise, Princess Stephanie's
<u>Cicinnurus regius</u>	bird-of-paradise, king
<u>Diphyllodes magnificus</u>	bird-of-paradise, magnificent
<u>Diphyllodes respublica</u>	bird-of-paradise, Wilson's
<u>Lophorina superba</u>	bird-of-paradise, superb
<u>Paradisaea apoda</u>	bird-of-paradise, greater
<u>Paradisaea guilielmi</u>	bird-of-paradise, white plumed
<u>Paradisaea minor</u>	bird-of-paradise, lesser
<u>Paradisaea rubra</u>	bird-of-paradise, red
<u>Paradisaea rudolphi</u>	bird-of-paradise, blue
<u>Paradisaea raggiana</u>	bird-of-paradise, Count Raggi's
<u>Parotia carolae</u>	bird-of-paradise, Queen Carol's
<u>Parotia lawesii</u>	parotia, Lawe's
<u>Ptiloris magnificus</u>	rifle bird, magnificent
<u>Seleucidis melanoleuca</u>	bird-of-paradise, twelve-wired
FAMILY Pipridae	
<u>Chiroxiphia caudata</u>	manakin, swallow-tailed
FAMILY Pittidae	
<u>Pitta moluccensis</u>	pitta, blue-winged
<u>Pitta sordida</u>	pitta, hooded
<u>Pitta steerii</u>	pitta, steers
FAMILY Ploceidae	
<u>Bubalornis albirostris</u>	weaver, buffalo
<u>Dinemellia dinemelli</u>	weaver, white-headed buffalo
<u>Plocepasser mahali</u>	weaver, white-browed sparrow
FAMILY Ptilonorhynchidae	
<u>Amblyornis macgregoriae</u>	bowerbird, Macgregor's
<u>Chlamydera cerviniventris</u>	bowerbird, fawn-breasted
<u>Ptilonorhynchus violaceus</u>	bowerbird, satin
FAMILY Sturnidae	
<u>Buphagus africanus</u>	oxpecker, yellow-billed

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Cinnyricinclus leucogaster</u>	starling, violet-backed
<u>Cosmopsarus regius</u>	starling, golden-breasted
<u>Lamprotornis purpureus</u>	starling, purple glossy
<u>Lamprotornis purpuropterus</u>	starling, Ruppell's long-tailed
<u>Leucopsar rothschildi</u>	mynah, Bali
<u>Spreo superbus</u>	starling, superb
<u>Sturnus nigricollis</u>	starling, black collared
FAMILY Thraupidae	
<u>Piranga olivacea</u> (males only)	tanager, scarlet
<u>Ramphocelus dimidiatus</u> (males only)	tanager, crimson-backed
<u>Thraupis episcopus</u> (males only)	tanager, blue-grey
FAMILY Tinamidae	
<u>Eudromia formosa</u>	tinamou, crested
FAMILY Zosteropidae	
<u>Zosterops palpebrosa</u>	white-eye, oriental
ORDER Pelecaniformes	
FAMILY Pelecanidae	
<u>Pelecanus</u> (all species in genus)	pelican
FAMILY Phalacrocoracidae	
<u>Phalacrocorax carbo</u>	cormorant, common
ORDER Piciformes	
FAMILY Capitonidae	
<u>Lybius</u> (all species in genus)	barbets
<u>Megalaima armillaris</u>	barbett, Armott's (blue crowned)
<u>Megalamima asiatica</u>	barbet, blue-throated
<u>Semnornis ramphastinus</u>	barbet, toucan
<u>Trachyphonus erythrocephalus</u>	barbet, red and yellow
FAMILY Indicatoridae	
<u>Indicator indicator</u>	honeyguide, black-throated
FAMILY Picidae	
<u>Chrysocalptes lucidus</u>	woodpecker, greater goldenbacked
<u>Picoides canicapillus</u>	woodpecker, gray-capped

SCIENTIFIC NAMECOMMON NAME

FAMILY Rhamphastidae

Pteroglossus beauharnaesii
Ramphastos ambiguus swainsonii
Ramphastos discolorus
Ramphastos sulfuratus
sulfuratus
Ramphastos toco cuvieri
Ramphastos toco toco
Ramphastos vitellinus ariel

Ramphastos vitellinus
vitellinus

Selenidera maculirostris

aracari, curl-crested
toucan, bicolored-billed
toucan, red-breasted
toucan, sulfur breasted,
north kneel-bill
toucan, Cuvier's
toucan, north toco
toucan, ariel channel-
bill
toucan, sulphur and
white, north channel-
bill
toucanet, spot-billed

ORDER Procellariiformes

FAMILY Procellariidae

Puffinus pacificus

shearwater, wedge-tailed

ORDER Psittaciformes

FAMILY Loriidae

Chalcopsitta sintillata
Charmosyna papou goliathina
Trichoglossus haematodus
Trichoglossus johnstoniae
Trichoglossus rubiginosus
Vini peruviana

lory, yellow streaked
lory, central Stella's
lory, rainbow
lorikeet, Johnstone's
lory, Ponape
lory, Tahitian

FAMILY Psittacidae

Brotogeris jugularis
Eunymphicus cornutus
Lathamus discolor
Loriculus galgulus
Loriculus philippensis

Nandayus nenday
Nestor notabilis
Prosopoeia tabuensis
Psittaculirostris (all species in
genus)
Psittichas fulgidus

parakeet, orange-chinned
parakeet, horned
parrot, swift
lory, blue-crowned
parrot, Philippine
hanging
conure, nanday
kea
parrot, red shining
parrot, fig
parrot, Pesquets

ORDER Rheiformes

FAMILY Rheidae

SCIENTIFIC NAMECOMMON NAMERhea americana

rhea, common (greater)

ORDER Strigiformes

FAMILY Strigidae

Asio flammeus

owl, short-eared

Bubo virginianus

owl, great horned

Glaucidium brodiei

owlet, pygmy

Scotopelia peli

owl, Pell's fishing

Speotyto cunicularia

owl, burrowing

Strix varia

owl, barred

FAMILY Tytonidae

Tyto alba

owl, common barn

ORDER Trogoniformes

FAMILY Trogonidae

Pharomachrus auriceps

quetzal, golden-headed

Pharomachrus mocinno

quetzal, resplendent

Harpactes erythrocephalus

trogon, red-headed

Trogon viridis

trogon, white-tailed

ORDER Apodiformes

FAMILY Trochilidae

Trochilidae (sexually dimorphic
males only)

hummingbirds

ORDER Psittaciformes

FAMILY Loriidae

Eos bornea (males only)

lory, red

Eos squamata (males only)

lory, violet-necked

Lorius lory (males only)

lory, black-capped

MAMMALS

SCIENTIFIC NAMECOMMON NAME

PHYLUM Chordata

CLASS Mammalia

ORDER Artiodactyla

FAMILY Bovidae

Bovidae (all species in family
except Bubalus bubalis)wild cattle, buffalo,
antelopes, etc.

FAMILY Camelidae

Camelus bactrianus

camel, Bactrian

Camelus dromedarius

camel

FAMILY Cervidae

Cervus nippon

deer, sika

Dama dama (=Cervus dama)deer, white European
fallowMuntiacus muntjak

deer, Indian muntjac

Muntiacus reevesi

muntjac, Reeve's

Odocoileus hemionus

deer, black-tailed

FAMILY Girrafidae

Okapia johnstoni

okapi

FAMILY Hippopotamidae

Choeropsis liberiensis

hippo, pygmy

(Prohibited for short-term
performance or exhibition in
circuses, carnivals, or state
fairs. Allowed for short-term
performance for commercial
filming, for exhibition in
government zoos, or for other
purposes permitted under section
4-71-6.5)Hippopotamus amphibius

hippopotamus

(Prohibited for short-term
performance or exhibition in
circuses, carnivals, or state
fairs. Allowed for short-term
performance for commercial
filming, for exhibition in
government zoos, or for other
purposes permitted under section
4-71-6.5)

FAMILY Suidae

SCIENTIFIC NAMECOMMON NAMEBabyrousa babyrousa

barbirusa

Phacochoerus aethiopicus

hog, wart

Sus barbatus

pig, bearded

FAMILY Tayassuidae

Tayassu tajacu

peccary, collared

ORDER Carnivora

FAMILY Canidae

Lycaon pictus

dog, African hunting

Otocyon megalotis

fox, bat-eared

Vulpes (all species in genus)

fox

FAMILY Felidae

Acinonyx jubatus

cheetah

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

Felis caracal (=Lynx caracal)

caracal

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

Felis pardalis

ocelot

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<p>4-71-6.5) <u>Felis serval</u> (Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)</p>	serval
<p><u>Felis wiedii</u> (Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)</p>	margay
<p><u>Panthera leo</u> (Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)</p>	lion
<p><u>Panthera nebulosa</u> (=Neofelis nebulosa) (Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)</p>	clouded leopard
<p><u>Panthera onca</u></p>	jaguar

SCIENTIFIC NAMECOMMON NAMEPanthera pardus

leopard

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

Panthera tigris

tiger

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

Profelis concolor (=Felis concolor)puma, (cougar),
(mountain lion)

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

FAMILY Hyaenidae

Crocuta crocuta

hyena, spotted

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

SCIENTIFIC NAMECOMMON NAME

FAMILY Mustelidae

Aonyx cinerea

otter, Asian small-clawed

Lutra canadensis

otter, land river

Mephitis (all species in genus)

skunk

Mustela lutreola

mink

Mustela putorius furo

ferret

Mustela vison

mink

Pteronura brasiliensis

otter, giant

FAMILY Procyonidae

Ailurus fulgens

panda, red

Nasua (all species in genus)

coati

Potos flavus

kinkajou

Procyon lotor

raccoon

FAMILY Ursidae

Helarctos malayanus

sunbear, Malayan

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

Melursus ursinus

bear, sloth

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

Ursus (all species in genus)

bear

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for

SCIENTIFIC NAMECOMMON NAME

short-term performance for
commercial filming, for
exhibition in government
zoos, or for other purposes
permitted under section
4-71-6.5)

FAMILY Viverridae

Arctictis binturongSuricata suricattaHerpestes auropunctatus

binturong

meerkat, slender-tailed

mongoose, small Indian

ORDER Diprotodontia (=Marsupialia)

FAMILY Didelphidae

Didelphis marsupialis

opossum

FAMILY Macropodidae

Aepyrymnus (all species in genus)

rat-kangaroo, Rufous

Bettongia (all species in genus)

rat-kangaroo

Caloprymnus (all species in genus)

rat-kangaroo, desert

Dendrolagus (all species in genus)

tree-kangaroo

Dorcopsis (all species in genus)wallaby, New Guinea
forestDorcopsulus (all species in genus)wallaby, New Guinea
mountainHypsiprymnodon (all species
genus)

rat-kangaroo, musk in

Lagorchestes (all species in genus)

wallaby, hare

Lagostrophus (all species in genus)

wallaby, banded hare

Macropus (all species in genus)

wallaby (kangaroo)

Megaleia (all species in genus)

kangaroo, red

Onychogalea (all species in genus)

wallaby, nail-tailed

Peradorcas (all species in genus)

rock-wallaby, little

Petrogale (all species in genus)

rock-wallaby

Potorous (all species in genus)

potoroo

Setonix (all species in genus)

quokka

Thylogale (all species in genus)

pademelon

Wallabia (all species in genus)

wallaby, swamp

FAMILY Phascolarctidae

Phascolarctos cinereus

bear, koala

ORDER Edentata

FAMILY Bradipodidae

Bradypus (all species in genus)

sloth, three toed

Choloepus (all species in genus)

sloth, two toed

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
FAMILY Dasypodidae <u>Dasypus</u> (all species in genus)	armadillo
FAMILY Myrmecophagidae <u>Myrmecophaga tridactyla</u>	anteater, giant
ORDER Hyracoidea FAMILY Procaviidae <u>Procavia capensis</u>	hyrax, rock
ORDER Insectivora FAMILY Erinaceidae <u>Hemiechinus auritis</u>	hedge hog, long-eared
FAMILY Soricidae <u>Crocidura</u> (all species in genus)	shrew, musk
ORDER Perissodactyla FAMILY Equidae <u>Equus africanus</u> (= <u>Equus asinus</u>)	ass, African wild
FAMILY Rhinocerotidae <u>Ceratotherium simum</u> (Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)	rhinoceros, southern white
<u>Diceros bicornis</u> (Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)	rhinoceros, black

SCIENTIFIC NAMECOMMON NAMERhinoceros unicornis

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

rhinoceros, great
Indian

FAMILY Tapiridae

Tapirus indicusTapirus terrestris

tapir, Malayan
tapir

ORDER Proboscidea

FAMILY Elephantidae

Elaphas maximus

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

elephant, Asian

Loxodonta africana

(Prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs. Allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted under section 4-71-6.5)

elephant, African

ORDER Rodentia

FAMILY Caviidae

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>Dolichotis patagonum</u>	cavy, Patagonian
FAMILY Cricetidae	
<u>Cricetulus griseus</u>	mouse, Chinese
<u>Gerbillus gerbillus</u>	gerbil
<u>Meriones unguiculatus</u>	gerbil
<u>Mesocricetus auratus</u>	hamster
<u>Sigmondon hispidus</u>	rat, cotton
FAMILY Dasyproctidae	
<u>Agouti paca</u>	agouti
<u>Dasyprocta agouti</u> (=D. <u>leporina</u>)	agouti
FAMILY Erethizontidae	
<u>Erethizon dorsatum</u>	porcupine, North American
FAMILY Heteromyidae	
<u>Perognathus longimembris</u>	mice, pocket
FAMILY Hystricidae	
<u>Hystrix cristata</u>	porcupine, African crested
FAMILY Myocastoridae	
<u>Myocastor coypu</u> nutria	
FAMILY Sciuridae	
<u>Callosciurus prevosti</u>	squirrel, prevost's
<u>Marmota</u> (all species in genus)	marmots
<u>Sciurus variegatoide</u>	squirrel, variegated
ORDER Scandentia	
FAMILY Tupaiidae	
<u>Tupaia glis</u>	shrew, tree
ORDER Tubulidentata	
FAMILY Orycteropodidae	
<u>Orycteropus afer</u>	aardvark

IV. Old Business

B. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 16 Chapter 89 Nurses, promulgated by DCCA

**SMALL BUSINESS STATEMENT
“AFTER” PUBLIC HEARING TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD**

Department or Agency: Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, Board of Nursing

Administrative Rules Title and Chapter: Title 16, Chapter 89

Chapter Name: Relating to Nursing

Contact Person/Title: Lee Ann Teshima, Executive Officer

Phone Number: (808) 587-8853

E-mail Address: lteshima@dcca.hawaii.gov Date: April 8, 2024

- A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

Please refer to the attached summary of the proposed amendments.

- B. Are the draft rules available for viewing in person and on the Lieutenant Governor’s Website pursuant to HRS section 92-7?

Yes, prior to the public hearing, a draft of the proposed rules were available for viewing in person and continues to be posted on the Professional and Vocational Licensing Division’s web page under Hawaii Administrative Rules at cca.hawaii.gov/pvl.

For the public hearing, an agenda was filed and posted on the State’s Calendar.

I. Rule Description: Amendment

II. Will the proposed rule(s) affect small business?

No.

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

No, the proposed amendments to the rules are to clarify the requirements for a temporary nurse permit by streamlining the process while still ensuring that the individual meets the qualifications for a nurse license in this State.

IV. Is the proposed rule being adopted pursuant to emergency rulemaking?

No.

V. Please explain how the agency involved small business in the development of the

proposed rules.

The proposed rule amendments include exact or similar language that was being proposed in SB 63, SD2, HD3 SLH 2023 that would authorize the board of nursing to issue temporary permits for six-month periods to out-of-state licensed practical nurses and registered nurses or who hold a multistate license issued by another state, territory, or foreign country, under certain circumstances.

The “concept” of issuing a temporary nurse permit was discussed at the Board’s February 2023 meeting as the Board discussed SB 63. The Board continued to discuss this proposed legislation at open meetings during the 2023 Legislative session.

The Board of Nursing supported and offered comments on the bill as it made its way through the legislative process, however, at the end, this bill did not pass out during conference committee hearing(s).

The Board sought the advice of the Deputy Attorney General to see if the language in SB 63, SD2, HD3 could be included in chapter 89. Being advised that the Board was able to accomplish this in their administrative rules, a draft of the proposed amendments was created that took the language from SB 63, SD2, HD3, except for the 10-day processing time, to be included in chapter 89.

- a. Were there any recommendations incorporated into the proposed rules? If yes, explain. If not, why not?

No. At your December 7, 2023 meeting, you received testimony from the Healthcare Association of Hawaii who recommended that the 10-day processing time be included in regard to the issuance of a temporary nurse permit and how their organization represented “small businesses” including but not limited to assisted living facilities, special treatment facilities and programs, home health agencies, home care agencies, hospices, etc.

I responded to that recommendation indicating that we would not be able to guarantee a specific processing time due to variables such as staffing issues, pandemic, natural disaster or other issues beyond our control that would prevent us from issuing a temporary nurse permit, however, based on what we are proposing, other requirements have been deleted, i.e. National Practitioner Databank – Self Query Report and Criminal Background Check to help streamline the process.

VI. If the proposed rule(s) affect small business, and are not exempt as noted above, please provide the following information:

“Affect small business” is defined as “any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business.” HRS §201M-1

We do not believe the proposed amendments would cause a direct and significant economic **burden** on a small business, in fact, it may enhance the ability for a small business health care entity to hire, an individual who meets the requirements for a temporary nurse permit, to start working.

1. A description of how opinions or comments from affected small businesses were solicited.

As previously stated, the Board of Nursing discussed the language in SB 63 that was introduced during the 2023 Legislative session, during their open meetings. The Board did not receive any comments or recommendations during these discussions.

2. A summary of the public's and small businesses' comments.

See response to question #3 below.

3. A summary of the agency's response to those comments.

At its public hearing held on Thursday, April 4, 2024, the following testimonies were received and for which the Board discussed at their meeting following the public hearing and provided responses to the comments and recommendations proposed:

Health Care Association of Hawaii – Paige Heckathorn Choy, Associate Vice President, Government Affairs

- (1) First, the updated rules would decouple the temporary license application from a full licensure application. Under the current rules, any licensure application submitted for a temporary license is granted as a step towards full licensure. By decoupling these two processes, it will add expense and time to individual nurses and healthcare organizations—especially smaller organizations such as home health agencies or clinics.

Board's Response:

When an individual applied for a temporary nurse permit, because the requirements for a temporary permit were not clarified, the applicant was "required" to comply with the requirements for a "permanent" license, i.e. Nursys license verification, Criminal background check and National Practitioner Databank – Self Query report. Individuals who wanted to work as soon as possible were submitting both the temporary permit and permanent license application which was unnecessary and burdensome. Prior to COVID, our staff was able to process a temporary nurse permit who met all the requirements and who did not have any prior disciplinary action or prior convictions that required further review, between 3-5 business days. If the individual also wanted to apply for a permanent license, a separate application was required since the requirements for a temporary nurse permit was not clarified but was tied to a license by endorsement.

With the proposed amendments, the Criminal background check and National Practitioner Databank – Self Query report is being deleted and only verification of a current and unencumbered license is required which will help streamline the processing of the application.

We would suggest that any temporary licensure process continue to provide an option by which a nurse could also apply for full licensure at the same time, creating a more efficient process by which a nurse would only have to apply for a license one time.

With the proposed amendments, deleting the Criminal background check and National Practitioner Databank – Self Query report for a temporary nurse permit, the individual will not meet the requirements for a “permanent” nurse license.

Nothing prohibits an individual from applying for a temporary nurse permit to also apply for a permanent license. The requirements for a temporary nurse permit and permanent license are different. The only “common” requirement for the temporary nurse permit and a permanent license requirement is the Nursys license verification.

The Board also considered that not all individuals applying for a temporary nurse permit will want to apply for a permanent nurse license as they may be strictly coming to practice on a “temporary” basis.

We reported during the discussion at the Board’s meeting following the public hearing that prior to the COVID pandemic, the number of temporary permits issued:

2017 (December only)	35
2018 (Jan-Dec)	360
2019 (Jan-Dec)	209
2020 (Jan-Mar)	36

Average temporary nurse permits issued per month between 30 – 40. In addition, temporary permits were being issued between 3-5 business days.

- (2) Second, and relatedly, the license will only be valid for six months. This means that a nurse could have to apply for a temporary license multiple times, which would increase costs to the individual nurse or healthcare organization.

Board’s Response:

The proposed amendments increase the period of the temporary nurse permit from 3 to 6 months. If an individual determines during this period that he/she would like to “stay” and work at another health care entity, they can apply for another temporary nurse permit or apply for a permanent license.

We would suggest that, as noted above, allowing an option so that any temporary licensure process would lead directly into a full licensure process so that only one application has to be completed would be ideal.

Again, nothing prohibits an individual from applying for a temporary nurse permit to also apply for a permanent license. The requirements for a temporary nurse permit and permanent license will be different should these amendments to the rules be adopted. The only “common” requirement for the temporary nurse permit and a permanent license requirement is the Nursys license verification.

- (3) Lastly, we believe that any proposed rules *must* contain a deadline by which a temporary process is approved. Without any type of deadline, there will be no material improvement to the issuance of temporary permits in a timely fashion.

Board's response:

The Board fully understands the concerns regarding the processing time of applications, including temporary nurse permits, however, due to a severe staffing shortage, we are hoping that the new requirements will streamline the process for the issuance of a temporary nurse permit without compromising the safe practice of nursing.

We would suggest that a deadline of ten days be inserted into the proposed rules to ensure the issuance of a temporary license in a timely fashion.

Board's response:

Again, the Board fully understands the concerns regarding the processing time of applications, including temporary nurse permits, however, due to a severe staffing shortage, we are hoping that the new requirements will streamline the process for the issuance of a temporary nurse permit without compromising the safe practice of nursing.

"Many of the suggestions that we are making above would reflect language that made it through both the **State Senate and State House in SB 63**, Relating to Nurses. This legislation represented a consensus position between agencies, providers, health plans, and other key stakeholders because it addressed the core issues related to the temporary nurse licensure process. We would support the adoption of the key changes outlined above that are included in SB 63 in order to ensure an efficient, expeditious temporary licensure program that will support nurses and organizations big and small in the healthcare industry."

Board's response:

Temporary Nurse Permit Language in SB 63, SD2, HD3:

"§457- Temporary permit. (a) The board may issue a temporary permit to an out-of-state licensed practical nurse or registered nurse who has applied and met the following requirements:

- (1) Completed an application on a form prescribed by the board;
 - (2) Paid all fees established by title 16, chapter 53, Hawaii administrative rules, that are made applicable to the board;
 - (3) Provided **proof of a valid license in another state, territory, or foreign country by way of a license verification** from the other state, territory, or foreign country, or **Nursys** license verification report pursuant to section 16-89-16(2), Hawaii administrative rules; (**same or similar language/requirement in proposed rules**) and
 - (4) The board determines no disciplinary action has been taken or is pending with a nursing authority. (**same or similar language/requirement in proposed rules**)
- (b) An individual who currently holds a **multistate** license issued by another

State may also meet the requirements for a temporary permit; provided that the individual has met the following requirements: (same or similar language/requirement in proposed rules)

- (1) Completed an application on a form prescribed by the board;
- (2) Paid all fees established by title 16, chapter 53, Hawaii administrative rules, that are made applicable to the board;
- (3) Provided **proof of a valid multistate license in another state or territory by way of a Nursys license verification report** pursuant to section 16-89-16(2), Hawaii administrative rules; and (same or similar language/requirement in proposed rules)
- (4) The board determines no disciplinary action has been taken or is pending with a nursing authority. (same or similar language/requirement in proposed rules)

For purposes of this subsection, a "multistate license" means a license to practice as a licensed practical nurse or registered nurse issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege. (same or similar language/requirement in proposed rules)

(c) A temporary permit shall only be issued to an applicant who has been appointed or accepted employment with a single health care entity listed in section 321-11(10). (same or similar language/requirement in proposed rules)

(d) A **temporary permit shall be issued within ten business days** of the date the completed application is received by the board. (Not in proposed rules)

(e) A temporary permit shall be valid only for a period of six months from the date of issuance. In no case shall a permit issued hereunder be valid for more than a period of six months from the date of issuance. A new and separate temporary permit may be issued provided that the requirements of subsection (a) or (b) have been satisfied." (same or similar language/requirement in proposed rules)

Except for the 10-day deadline in (d), the language in SB 63, SD2, HD3 is the same or similar to the language in the proposed rules.

Queens' Health System – Jace Mikulanec, Director, Government Relations

As noted, in the Healthcare Association of Hawai'i's (HAH) comments, the decoupling of temporary nurse licensure from full licensure seems counterintuitive. For some nurses, temporary licensure is the pathway to full licensure in our state; why not make that a seamless process for those who desire it?

Board's response:

Same response to Healthcare Association of Hawaii's comments.

Furthermore, including a deadline within which the Department should render the requested temporary license would be an assurance to the nurse, the employer, and the State that they can expect to proceed to employment in a timely and reliable way.

Board's response:

Same response to Healthcare Association of Hawaii's comments.

During the 2023 legislative session, Queen's, HPH, Kaiser Permanente, HAH, Hawaii State Center for Nursing and other stakeholders worked collaboratively with the DCCA on provisions around temporary nurse licensure (SB63 SD2 HD3). We urge the Board to adopt this framework.

Board's response:

Most of the requirements for a nurse temporary permit that is in SB 63, SD2, HD3 (SLH 2023) is included in the proposed rules, except for the inclusion of a 10-day processing time due to concerns previously raised.

Hawaii Pacific Health – Amy Thomas, System Chief Nurse Executive

1. The updated rules would decouple the temporary license application from a full licensure application. Under the current rules, any licensure application submitted for a temporary license is granted as a step towards full licensure. Decoupling these two processes will add expense and time to individual nurses' and healthcare organizations' licensure. This is especially troublesome for smaller organizations such as clinics that are already struggling financially to remain open.

Board's response:

Same response to Healthcare Association of Hawaii's comments.

We suggest that any temporary licensure process continue to provide an option by which a nurse could also apply for full licensure at the same time as applying for a temporary license, creating a more efficient process through which a nurse would only have to apply for a license one time.

Board's response:

Same response to Healthcare Association of Hawaii's comments.

2. Under the updated rules, the temporary license will only be valid for six (6) months. This means that a nurse would have to apply for a temporary license multiple times, which would increase costs for the individual nurse and/or healthcare organization.

Board's response:

Same response to Healthcare Association of Hawaii's comments.

We suggest instead that, as noted above, providing the option of allowing any temporary licensure process to lead directly to a full licensure process with only one application being completed would be ideal. This creates an efficient, streamlined process which improves the timeliness of the actual issuance of a license.

Board's response:

Same response to Healthcare Association of Hawaii's comments.

3. We believe that any proposed updated rules must contain a deadline by which a temporary license is approved. As the Board is aware there are about 1,000 open nursing positions statewide. Nearly every hospital has been impacted by the shortage of nurses. At HPH, 200 new out-of-state nurses are hired on an annual basis. We have an additional 200 traveling nurses from out of state. These 400 nurses must apply for a temporary permit and fulfill credentialing requirements to practice before they are eligible to work in Hawai'i. There is considerable lag time between the submission of an application for a temporary permit and its issuance. In the meantime, the nurse is unable to work, and unable to help alleviate the nurse staffing shortage. The requirement that the Board issue a temporary permit within a specified period of time would expedite the process. Without any type of deadline, there will be no material improvement to the issuance of temporary permits in a timely fashion. A deadline of ten days ensures the issuance of a temporary license in a timely fashion.

Board's response:

Same response to Healthcare Association of Hawaii's comments.

The suggestions we make are contained in language adopted by the House and Senate in SB 63 (2023), and which represents a consensus between agencies, providers, health plans, and other key stakeholders. SB 63 addressed the core issues related to the temporary nurse licensure process. We would support the adoption of the key changes outlined above that are included in SB 63 in order to ensure an efficient, expeditious temporary licensure program that will support nurses and organizations big and small in the healthcare industry.

Board's response:

Same response to Healthcare Association of Hawaii's comments.

Hawaii State Center for Nursing – Laura Reichhardt, Director

The Hawai'i State Center for Nursing (HSCN) convened the SCR 112 working group to study the feasibility of Hawai'i joining the Nurse Licensure Compact. The SCR 112 working group identified that additional efforts are necessary to support the stabilization of the nursing workforce and ensure access to a broader population of nurses, as needed. HSCN agrees with the findings of the SCR 112 working group and underscores that these strategies must occur concurrently with the adoption of the NLC. These strategies include but are not limited to:

- Ensuring timely implementation of Temporary Permits issued by the BON for non-NLC nurses applying for licensure in Hawai'i;
- Ensuring the full staffing necessary to support the functions of the DCCA licensing division, BON, and RICO;
- Standardizing Emergency Proclamation language related to nurse license waivers to ensure license reporting for all nurses employed under a waiver during emergencies; and
- Ensuring nursing education capacity in Hawai'i to facilitate nursing career opportunities to local residents.

Therefore, HSCN recognizes the importance of these proposed administrative rules as a solution to ensuring timely access to nurse licensure in Hawai'i. Additionally, while license processing time was up to 60 working days during the pandemic, HSCN recognizes the tremendous progress in shortening the processing time for nurse licensure – now less than one month's time. The added benefit of temporary permits will be tremendous as it relates to supporting healthcare organizations in responding to their **nursing workforce demand, and ensuring adequate staff for planned vacancies, emergencies, and other events which require recruitment of out-of-state nurses.**

Board's response:

Currently a bill is moving through the State Legislature that would authorize the Governor to enter into the Nurse Licensure Compact ("NLC). Should the NLC bill pass this legislative session, there will be a 2-year delayed implementation in order for admin to prepare for the incoming as well as possible "out-going" nurses. The temporary nurse permit will attempt to fill this "gap" during this "interim" and before the NLC is fully established.

Hawaii Association of Professional Nurses (HAPN) – Jeremy Creekmore, HAPN President

On behalf of the Hawaii Association of Professional Nurses, I wish to express our **enthusiastic support** for the proposed regulatory amendments concerning temporary nurse permits. These changes will significantly streamline the licensing process, enhancing the mobility and flexibility of our nursing workforce. Importantly, they also promise to increase the oversight and safety of nursing care across the state, directly addressing concerns related to the expediency of nursing licenses.

Furthermore, we believe that these rule changes present a better solution than joining the Nurse Licensing Compact (NLC). While the NLC offers certain advantages, we are concerned that it could potentially compromise the safety and oversight of nurses working in Hawaii. The proposed amendments, by contrast, provide a tailored approach that acknowledges our unique state needs, ensuring that high standards of care and rigorous oversight mechanisms remain firmly in place.

We are confident that these changes will not only expedite the licensing process but also reinforce the quality and safety of nursing care in Hawaii. The Hawaii Association of Professional Nurses fully supports the Board's efforts in this direction and looks forward to the positive impact these amendments will have on healthcare delivery across our state.

We have worked to improve the physical and mental health of our communities. As our ability to provide close care with our patients progressed, we also opened up our own clinics to provide the care our patients deserve. APRNs have played an important role in the healthcare of our communities and we will continue to be by our patients' side.

HAPN respectfully asks your board to pass these rule changes. Thank you for the opportunity to share the perspective of HAPN with your board. Thank you for your enduring support of the nursing profession in the Aloha State.

4. The number of persons who:

- (i) Attended the public hearing: 2
 - (ii) Testified at the hearing: 2
 - (iii) Submitted written comments: 5
5. Was a request made at the hearing to change the proposed rule in a way that affected small business? **Yes.**
- (i) If “Yes,” was the change adopted? **No.**
 - (ii) If No, please explain the reason the change was not adopted and the problems or negative result of the change. **Please see responses to question #3 above regarding the insertion of the 10-day processing time.**

Conclusion:

The Board respectfully requests that these amendments be allowed to proceed without imposing any processing deadline.

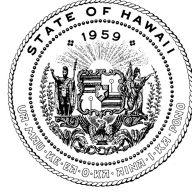
In summary, the Proposed amendments are to clarify the requirements for a temporary nurse license in section 16-89-22 by:

- (1) **Eliminating** the fingerprinting requirement for a **Criminal background check**;
- (2) **Eliminating** the submission of a **National Practitioner Databank – Self Query report**;
- (3) **Recognizing** a nurse who holds a **multi-state license under the NLC**;
- (4) requiring that a temporary permit shall only be issued to an applicant who has been appointed or accepted **employment with a single health care entity** listed in section 321-11(1) or a State agency such as the Department of Education or Department of Law Enforcement; and
- (5) **Extending** the validity of the temporary permit period from **3 to 6 months**.

Thank you.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



NADINE Y. ANDO
DIRECTOR | KA LUNA HO'ŌKELE

AHLANI K. QUIOGUE
LICENSING ADMINISTRATOR

BOARD OF NURSING

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
KA 'OIHANA PILI KĀLEPA
P.O. BOX 3469
HONOLULU, HAWAII 96801
cca.hawaii.gov/pvl

April 8, 2024

Mary Albitz, Chair
Small Business Regulatory Review Board
Department of Business, Economic Development & Tourism
Sent via email:
dbedt.sbrrb.info@hawaii.gov

RE: Summary of Proposed Amendments to **Title 16, Chapter 89, Administrative Rules of the Board of Nursing**

Dear Chair Mary Albitz,

Pursuant to the Small Business Statement "After" Public Hearing to the Small Business Regulatory Review Board, I am providing a general description of the proposed rules:

The proposed amendments are to clarify the requirements for a temporary nurse permit so that the issuance of a temporary nurse permit ensures that the individual has met Hawaii's minimum education and exam requirements for licensure, does not have an "encumbered" license elsewhere and that the individual will be practicing in a health care entity licensed by the Department of Health or another State agency.

The purpose of these amendments will help address the nursing shortage affecting health care entities in this State who have been severely impacted by the global nursing shortage and with the additional requirements, further ensuring that these individuals are able to provide safe nursing practice to residents of this State.

The following is a summary of the proposed substantive amendments:

SUBCHAPTER 4 – TEMPORARY PERMITS

Section 16-89-22 Eligibility. This section is being amended by deleting the current language and replacing it with language that further clarifies the requirements and also deleting any duplicate or unnecessary requirements, such as a National Practitioner's Data Bank

("NPDB") self-query report because the Nursys license verification will indicate if any individual had any prior disciplinary action and/or if a nurse license in another state is encumbered.

This section was also amended to recognize individuals who currently hold a multistate license issued by another state under the Nurse Licensure Compact.

This section is further amended to include clarifying language that a temporary nurse permit issued under this section will only be issued to an individual who has been appointed or accepted employment with a single health care entity listed in section 321-11(10) or a "State agency" such as the Department of Education and Department of Public Safety who may hire nurses to care for students in schools or correctional facility, both of which do not fall under section 321-11(10).

Further amendments include the extension from three months to six months that a temporary nurse permit is valid for and also allows for a new and separate temporary permit to be issued where as currently, a second temporary permit shall not be granted.

Currently, the temporary permit was valid for three months, however, this was amended to increase the temporary permit to six months.

Other non-substantive amendments were also included for clarity and style.

If you have any questions, please contact me at (808) 587-8853 or by email at lteshima@dcca.hawaii.gov.

Thank you for your consideration in this matter.

Very truly yours,

Lee Ann Teshima

Lee Ann Teshima
Executive Officer
Board of Nursing

Small Business Regulatory Review Board

MEETING MINUTES

December 7, 2023

December 7, 2023 ZOOM RECORDING

- I. **CALL TO ORDER:** Chair Albitz called the meeting to order at 10:03 a.m., with a quorum present.

MEMBERS PRESENT:

- Mary Albitz, Chair
- Robert Cundiff, Vice Chair
- Jonathan Shick, 2nd Vice Chair
- James (Kimo) Lee
- Garth Yamanaka
- William Lydgate
- Mark Ritchie

ABSENT MEMBERS:

- Dr. Nancy Atmospera-Walsh
- Sanford Morioka
- Tessa Gomes

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF November 16, 2023 MINUTES**

Mr. Ritchie motioned to accept the November 16, 2023 meeting minutes, as presented. Second Vice Chair Shick seconded the motion and the Board members unanimously agreed.

III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 13 Chapter 95, Rules Regulating the Taking and Selling of Certain Marine Resources, promulgated by Department of Land and Natural Resources (DLNR)

Mr. David Sakuda, Program Manager at DLNR's Division of Aquatic Resources (DAR), provided a summary of the proposed rules and explained what occurred at the public hearings. The purpose of the rules is to maintain a sustainable harvest of marine species, which are important food sources that are good for fishing and good for the reefs, among other reasons.

Commercial fishers and dealers were notified of the statewide public hearings, which were held from August 1st through August 7th via Zoom and in-person. There were a total of 122 testimonies, 59 oral and 63 written from 103 individuals and/or organizations.

December 2023 Meeting Minutes

B. Discussion and Action on Proposed Amendments to HAR Title 16 Chapter 89, Nurses, promulgated by Department of Commerce and Consumer Affairs (DCCA)

Testifier Ms. Paige Heckathorn Choy, Associate Vice President of Government Affairs at Healthcare Association of Hawaii (HAH), submitted written and oral testimony. HAH appreciated the work of Ms. Teshima and DCCA for getting the nurses quickly licensed since the pandemic and is also appreciative of this Board investigating the concerns of HAH. The following outlines a summary of HAH's concerns:

- 1) The updated rules would decouple the temporary license application from a full licensure application;
- 2) The license will only be valid for six months; and
- 3) Any proposed rules must contain a deadline by which a temporary process is approved

Chair Albitz explained that during the 2023 legislative session, DCCA tried to pass legislation to allow the issuance of six-month permits temporarily for out-of-state licensed practical nurses and registered nurses, but it did not make it through session. Alternatively, DCCA tried to come up with and expand temporary permits to nurses to assist with the nursing shortage.

Ms. Lee Ann Teshima, Executive Officer at DCCA, explained that while the Nurse's Board and HAH work together they do not necessarily agree all the time. The purpose of the proposed rules is to create a temporary, streamlined process for the Board of Nursing to issue temporary nurse permits to individuals to fill vacancies within Hawaii's health care system in a timelier manner. This is the result of the national worldwide and local nurse shortage that began during the COVID pandemic.

To allow the Board of Nurses to issue a temporary nurse's permit through a simple application, the following is required: 1) a nurse's verification that shows there are no disciplinary actions against them, and 2) license numbers. Temporary requirements entail fingerprinting, and the national practitioner's databank self-query report, which shows any prior disciplinary actions.

Ms. Teshima also explained that prior to the pandemic, and under the statute's endorsement application, a temporary permit was required. At that time, it required submitting an endorsement application and a temporary permit application which entailed two different fees, issued within 3 to 5 business days.

After the pandemic, Hawaii was extremely short-staffed, which was compounded by the fact that DCCA had volumes of nursing applications to process. As a result, the temporary permits could no longer be issued, and only permanent nursing applications were concentrated on.

Although the Administration's bill this past legislative session addressed temporary permits, it morphed into Senate Bill (SB) 63. This is the bill that DCCA and HAH have been working on to come to some common ground. It authorizes the Board of Nursing to issue temporary permits for six-month periods to out-of-state licensed practical nurses and registered nurses.

It was confirmed that it is not possible for a nurse who is on temporary status to become permanent because it could only be procured through verification. This is because permanent licensing, fingerprinting, and other requirements would be needed (as stated above). Ms. Teshima noted that nothing prevents an individual from applying for both a temporary and permanent nursing license at the same time.

Vice Chair Cundiff stressed and encouraged DCCA to continue to engage with the stakeholders, including HAH and others in the healthcare industry, and to involve them with disclosures of any potential business impacts.

Chair Albitz motioned to move the proposed amendments to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

V. ADMINISTRATIVE MATTERS

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Follow-up on Discussion with Becker Communications, Inc., regarding the Board's Outreach Purposes

Becker Communications will be contacting some of the Board members to schedule interviews for the YouTube video to be used for outreach purposes.

2. Review of the Board's current membership and expiration of terms

Deferred until next month.

3. Presentations to Industry Associations

Deferred until next month.

4. Staff's Small Business Outreach

Deferred until next month.

VI. NEXT MEETING - Thursday, January 18, 2024 at 10:00 a.m., in conference room 405 at Leiopapa A Kamehameha Building – State Office Tower – 235 S. Beretania Street, Honolulu, HI 96813.

VII. ADJOURNMENT – Chair Albitz motioned to adjourn the meeting and Vice Chair Cundiff seconded the motion; the meeting adjourned at 12:05 p.m.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-89
Hawaii Administrative Rules

M DD, YYYY

1. Chapter 16-89, Hawaii Administrative Rules, entitled, "Nurses", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 89

NURSES

Subchapter 1 General Provisions

§16-89-1	Objective
§16-89-2	Definitions
§16-89-3	Licensure requirement

Subchapter 2 License by Examination

§16-89-7	Registration, time, and place
§16-89-8	License requirements

§16-89-9 Examination policies
§16-89-10 Eligibility for registered nurse
examination
§16-89-11 Eligibility for licensed practical
nurse examination
§16-89-12 Other eligible candidates

Subchapter 3 License Without Examination

§16-89-16 License requirements
§16-89-17 Eligibility for registered nurse
license without examination
(endorsement)
§16-89-18 Eligibility for practical nurse license
without examination (endorsement)

Subchapter 4 Temporary Permits

§16-89-22 Eligibility
§16-89-23 Conditions

Subchapter 5 License Renewal

§16-89-27 Notice
§16-89-28 Dishonored checks
§16-89-29 Inactive status
§16-89-30 Return to active status
§16-89-31 Right to proceed

Subchapter 6 Approval of Nursing Education

§16-89-33 Repealed
§16-89-34 Types of approval
§16-89-35 Denial of approval
§16-89-36 Survey of approved programs
§16-89-37 Accreditation

Subchapter 7 Development of a New Nursing Program

§16-89-40 Requirements

Subchapter 8 Standards for Nursing Programs

§16-89-44 Philosophy or mission
§16-89-45 Organization and administration
§16-89-46 Curriculum
§16-89-47 The minimum curriculum for programs preparing registered nurses
§16-89-48 The minimum curriculum for programs preparing licensed practical nurses
§16-89-49 The minimum curriculum for programs preparing advanced practice registered nurses
§16-89-50 Annual report required
§16-89-51 Closing of an approved nursing education program

Subchapter 9 Major Revision of Nursing Program

§16-89-52 Phase I - twelve months prior to initiating revised program
§16-89-53 Phase II - six months prior to initiating revised program

Subchapter 10 Seal of the Board

§16-89-57 Description

Subchapter 11 Unprofessional Conduct

§16-89-59 Unprofessional conduct
§16-89-60 Types of unprofessional conduct
§16-89-61 Repealed
§16-89-62 Voluntary surrender of license

§16-89-63 Disciplinary action
§16-89-64 Repealed

Subchapter 12 Practice and Procedure

§16-89-66 Administrative practice and procedure

Subchapter 13 Oral Testimony

§16-89-70 Oral testimony

Subchapter 14 Advanced Practice Registered Nurse

§16-89-75 Objective
§16-89-77 Repealed
§16-89-79 Title
§16-89-81 Practice specialties
§16-89-83 Requirements for license as an advanced
 practice registered nurse
§16-89-85 Recognized national certifying body;
 certification
§16-89-87 Renewal of APRN license
§16-89-89 Discipline
§16-89-91 Encumbered license
§16-89-93 Reinstatement following completion of a
 board ordered suspension
§16-89-95 Fees
§16-89-97 Advanced practice registered nurse
 requesting prescriptive authority

Subchapter 15 Delegation of Nursing Care Tasks
to Unlicensed Assistive Personnel

§16-89-100 Purpose
§16-89-101 Repealed
§16-89-102 Repealed
§16-89-105 Repealed
§16-89-106 Repealed

§16-89-108 Repealed
§16-89-110 Repealed
§16-89-112 Repealed
§16-89-114 Repealed

Subchapter 16 Advanced Practice Registered Nurse
Prescriptive Authority

§16-89-116 Purpose
§16-89-117 Prescriptive authority
§16-89-119 Prescriptive authority eligibility
requirements
§16-89-121 Repealed
§16-89-122 Exclusionary formulary for prescriptive
authority
§16-89-123 Prescriptive authority renewal for APRN
§16-89-124 Encumbered license
§16-89-125 Discipline; grounds; proceedings

Subchapter 17 Scope of Nursing Practice and
Standards of Care

§16-89-126 Scope of nursing practice
§16-89-128 Standards of care

Subchapter 18 License Activation

§16-89-131 Purpose
§16-89-132 Prerequisite for activation of inactive
licenses

SUBCHAPTER 1

GENERAL PROVISIONS

§16-89-1 Objective. This chapter is intended to clarify and implement chapter 457, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served. The scopes of nursing practice established in chapter 457, Hawaii Revised Statutes, and this chapter are to serve as general guidelines and not intended to address the appropriateness of or to grant permission to implement specific procedures in particular work settings. [Eff 6/18/79; am and ren §16-89-1, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp]
(Auth: HRS §457-5) (Imp: HRS §457-1)

§16-89-2 Definitions. As used in this chapter:
"Accredited" means certification by the appropriate board of nursing that the nursing program meets established nursing education standards.

"Advanced practice registered nurse **or** "**[←]APRN[→]**" means a registered nurse licensed to practice in this State who has met the qualifications set forth in chapter 457, HRS, and this subchapter, and who because of advanced education and specialized clinical training, is authorized to assess, screen, diagnose, order, utilize, or perform medical, therapeutic, preventive, or corrective measures.

"Approved provider" means a local, state, or national agency, institution, organization, or agency responsible for the development, implementation, evaluation, financing, record-keeping, and maintenance of a continuing education offering program or a total continuing education curriculum which may be delivered in a variety of formats, including electronic, journal, and lecture/seminar, as recognized by the board.

"Board" means the board of nursing.

"Certification" means a form of specialized credentialing, under sponsorship of a recognized national certifying body that has verified an applicant's advanced knowledge, skills, and abilities in defined areas of nurse practice specialties as listed in section 16-89-85.

"Collaborate" means a process in which an APRN works with other members of the health care team to deliver health care services.

"Contact hour" means a minimum of sixty minutes of actual organized instruction. Academic credit will be converted to contact hours as follows:

- (1) One quarter academic credit equals 12.5 contact hours; or
- (2) One semester academic credit equals 15 contact hours.

Contact hour equivalencies shall be as follows:

- (1) 1 continuing education unit = 10 contact hours;
- (2) 1 continuing medical education credit = 60 minutes; or
- (3) 1 American Medical Association credit = 60 minutes.

"Continuing education" means a refresher course in subchapter 18 only.

"Delegation" means the act of authorizing one to act for another.

"Direct supervision" means that the registered nurse assesses the condition to be treated, authorizes each special task to be performed, remains on the premises, and personally evaluates the performance of the unlicensed assistive personnel.

"Drug" means a device, appliance, medicine, or preparation for internal or external use by a human being and shall not include any substance included in the exclusionary formulary.

"Exclusionary formulary" means the listing of drugs or categories of drugs designated and published by the board of nursing that shall not be prescribed by an APRN granted prescriptive authority.

"External degree or certification by examination" means a degree or certificate approved by the

appropriate state board of nursing conferred upon the completion of a series of standardized examinations which are used to document the theory and practice equivalent to the minimum curriculum required of nursing programs in this State.

"Independent study" means a program of learning designed by an approved provider for the registered nurse or practical nurse who completes the program at the individual's pace, e.g., home study, programmed instruction.

"Indirect supervision" means that the registered nurse assesses the condition to be treated, is familiar with the client's medical history, and personally authorizes each task to be performed by other personnel. The presence of the registered nurse is not required; provided that the registered nurse shall be available for consultation.

"Informal offering" means a workshop, seminar, institute, conference, lecture, short term course, or organized independent study which is offered for credit in contact hours or continuing education units.

"Major program revision" means a nursing program in which significant changes occur in the philosophy, objectives, conceptual framework, professional conduct of graduates, curriculum, admission requirements, and methods of implementation.

"National Council" means the National Council of State Boards of Nursing, Inc. or NCSBN.

"National Practitioner Data Bank" or "NPDB" means the repository of information on medical malpractice payments and certain adverse actions related to health care practitioners.

"Nursing program" means a course of study in nursing which includes philosophy, objectives, conceptual framework, professional conduct of graduates, curriculum, admission requirements, and methods of implementation.

"Permit" means a temporary license to legally practice nursing as a registered nurse (RN) or licensed practical nurse (LPN) during the period specified on the permit, pending receipt of a permanent license or until notified of cancellation.

"Physician" means a person licensed to practice medicine or surgery under chapter 453, HRS.

"Prescribed medical orders" means requisitions for resources to be allocated in particular ways for patients, which includes prescription drug orders, signed by the delegating physician, standing medical orders, standing delegation orders, or other orders or protocols.

"Prescription" means an order for medication, which is dispensed to or for an ultimate user.

"Prescription" shall not include an order for medication that is dispensed for immediate administration to the ultimate user, including but not limited to, a chart order to dispense a drug to a bed patient for immediate administration in a hospital.

"Prescriptive authority" means the authority granted by the board to a recognized APRN to verbally, or in writing, direct, order, or designate the preparation of, use of, or manner of using, a drug within the recognized APRN's scope of practice.

"Recognized national certifying body" means nurse credentialing agencies accredited by the National Commission for Certifying Agencies (NCCA) or the American Board of Nursing Specialties (ABNS) and recognized by the board which include, but is not limited to, the American Nurses Credentialing Center, the Pediatric Nursing Certification Board, National Certification Corporation for Obstetric, Gynecologic and Neonatal Nursing Specialties, the Council on Certification of the American College of Nurse Midwives, the American Academy of Nurse Practitioners Certification Board, the Council on Certification of the American Association of Nurse Anesthetists, National Board of Certification & Recertification for Nurse Anesthetists, or any new national certifying body or a national certifying body which is a successor to any body accredited by the NCCA or ABNS and recognized by the board. Any modifications by the national certifying bodies, the NCCA, or ABNS shall apply unless otherwise provided in the board's policy and board's rules.

"Remedial course" means a course that is approved by the board and meets the requirements of subchapter 8 and shall include a minimum of sixty hours of didactic instruction and sixty hours of clinical instruction.

"Semester credit" means a minimum of fifteen hours of classroom instruction or a minimum of thirty hours of laboratory or clinical instruction, or equivalent quarter hours which means a minimum of ten hours of classroom instruction or a minimum of twenty hours of laboratory or clinical instruction.

"Supervision" means the process of critical watching, directing, and evaluating another's performance.

"Unlicensed assistive person" means an individual who is not licensed to practice nursing, but who provides tasks of nursing care delegated by a registered nurse. [Eff 6/18/79; am and ren §16-89-2, 6/22/81; am and comp 3/20/82; comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; am and comp 3/28/13; am and comp 10/27/18; am and comp]
(Auth: HRS §457-5) (Imp: HRS §457-2)

§16-89-3 Licensure requirement. (a) A nurse engaged in practice as a registered nurse or licensed practical nurse shall possess a current Hawaii license. Until such time as a license is issued, the nurse may not be employed as either a RN or LPN.

(b) Nurses not licensed in Hawaii, whether United States citizens or aliens, who are enrolled in accredited nursing education programs for practical nurse ("PN"), associate degree ("AD"), bachelor of science ("BS"), or graduate-level program in nursing, shall not be in violation of the law, provided the practice of nursing is incidental to the program of study as stated in section 457-13, HRS.

(c) Nurses not licensed in Hawaii, whether United States citizens or aliens, who are enrolled in ancillary health training programs that are not

regulated by the board, shall not be in violation of the law provided the practice of nursing is incidental to the ancillary health training programs.

(d) Faculty members whose Hawaii licenses are pending shall provide instruction in theory only. Instruction in the clinical area shall not be provided until the Hawaii license is issued. [Eff 6/18/79; am and ren §16-89-3, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp]
(Auth: HRS §457-5) (Imp: HRS §§457-5, 457-7, 457-8, 457-13)

SUBCHAPTER 2

LICENSE BY EXAMINATION

§16-89-7 Registration, time, and place.

Registration for and the time and place for the National Council Licensure Examination (NCLEX) shall be designated by the National Council unless otherwise determined by the board. [Eff 6/18/79; am and ren §16-89-7, 6/22/81; comp 3/20/82; am and comp 9/18/82; comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-8 License requirements. (a) Persons applying for a license by examination shall submit to the board:

- (1) An application prescribed by the board accompanied by the required fee;

- (2) A student final record or official transcript sent directly from the applicant's school to the board to establish compliance with section 16-89-10, 16-89-11, or 16-89-12; and
- (3) Applicants whose school of nursing records are unobtainable because of events beyond the control of the applicant shall be considered on an individual basis when the following is found to be satisfactory to the board:
 - (A) Evidence of graduation from a school of nursing that is recognized by the board; or
 - (B) Evidence of previous licensure as a nurse in another state or a United States jurisdiction; and
 - (C) Two notarized letters from official agencies or previous colleagues.

(b) A letter of completion received by the board directly from the appropriate college authority which states that the student completed the nursing program by the examination date shall be accepted to qualify the student for the appropriate examination. However, the license shall not be issued until the final transcript showing graduation from the nursing program or successful completion of the pre-licensure coursework for the master's entry program in nursing is filed with the board.

(c) Foreign school graduates applying for a license by examination shall submit an application prescribed by the board and accompanied by the required fee. Applicants shall have their transcripts evaluated by a professional educational credential evaluator recognized by the board. Applicants shall work with the evaluator and their schools of nursing. Applicants shall comply with procedures and requirements prescribed on the application form and instruction sheet from the board. Applicants shall arrange to have the evaluator send a report directly to the board.

(d) A candidate for license by examination shall not be granted a license until all applicable requirements of chapter 457, HRS, and this chapter have been met, including passing a nurse licensing examination recognized by the board. [Eff 6/18/79; am and ren §16-89-8, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; am and comp 3/28/13; comp 10/27/18; comp]
(Auth: HRS §457-5) (Imp: HRS §§457-7, 457-8)

§16-89-9 Examination policies. (a) The passing standards for the NCLEX-RN and NCLEX-PN examinations accurately reflect the amount of nursing ability currently required to practice competently at the entry level. The passing standards for the NCLEX-RN and the NCLEX-PN shall be established by the National Council of State Boards of Nursing unless otherwise determined by the board.

(b) Candidates may take the examination, provided candidates register for each examination. Any candidate who fails the license examination three times, regardless of when or where the examination was taken, and regardless of which state or jurisdiction the candidate was made eligible, shall be required to complete a board-approved remedial course and submit proof of passing the course before the candidate may be approved for reexamination. The candidate shall apply for reexamination within six months after completion of the remedial course. After taking the remedial course, the candidate may be approved to retake the examination up to three additional times before the candidate is required to take remediation again.

(c) Graduates from programs which are outside the United States who have been granted licensure in another state or United States jurisdiction shall be required to pass the NCLEX-RN or NCLEX-PN or the State Board Test Pool Exam or SBTPE (Canadian provinces only) before a license is granted.

(d) The board determination regarding candidate eligibility for examination shall be made after receipt of complete application as described in section 16-89-8(a), (b), or (c).

- (1) The board shall notify the testing service of eligibility status of the candidate.
- (2) The frequency of retests by unsuccessful candidates shall be as established by the National Council unless otherwise determined by the board.

(e) Confidentiality of NCLEX-RN, NCLEX-PN, and SBTPE scores shall be maintained as follows:

- (1) Scores on licensing examinations shall be released only to:
 - (A) The candidate;
 - (B) The school of nursing from which the candidate graduated;
 - (C) Board members; and
 - (D) Other state boards of nursing when requested for endorsement;
- (2) Request for scores for research purposes shall be referred for board action. Scores, when released, shall not include names;
- (3) Test scores received from other state boards of nursing for nurses who applied for licensure in Hawaii by endorsement shall not be released; and
- (4) [The] Upon release of the candidate's exam score to the candidate, the board shall advise [candidates,] the candidate [at the time of initial release of their scores to them,] that the use of scores for any purpose other than licensure is not appropriate and, therefore, the board shall not provide a copy of licensee's examination scores to a prospective employer or to a graduate nursing program. [Eff 6/18/79; am and ren §16-89-9, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; am and comp 3/28/13; am and comp 10/27/18; **am and**

comp] (Auth: HRS §457-5)
(Imp: HRS §§457-5, 457-7, 457-8)

§16-89-10 Eligibility for registered nurse examination. Graduates of the following nursing programs shall be eligible to take the NCLEX-RN, provided the requirements of section 16-89-47 have been met:

- (1) A state-approved or nationally accredited baccalaureate, the pre licensure portion of a graduate level program in nursing, an associate degree or diploma nursing program in the United States or district or a territory of the United States;
- (2) A foreign nursing school: and
 - (A) Applicants shall have their transcripts evaluated by a professional education credentials evaluator recognized by the board and shall have a report sent directly to the board by the evaluator; and
 - (B) Applicants whose reports from a board-recognized education credentials evaluator indicate that they have successfully completed a nursing program which is comparable to an accredited nursing program in the United States shall be deemed qualified as having met the educational requirements set forth in chapter 457, HRS, and this chapter; or
- (3) A state-approved external degree nursing program recognized by the board. [Eff 6/18/79; am and ren §16-89-10, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; am and comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-7)

§16-89-11 Eligibility for licensed practical nurse examination. Graduates of the following programs shall be eligible to take the NCLEX-PN, provided the requirements of section 16-89-48 have been met:

- (1) Any state-approved or National League of Nursing accredited practical nursing program in the United States or a United States jurisdiction;
- (2) Armed forces programs which have been approved by the board in the state where the program is located and provided the program meets or surpasses the educational standards of this board in accordance with this chapter;
- (3) Foreign nursing schools: Applicants shall have their transcripts evaluated by professional education credentials evaluators designated by the board and shall have a report sent directly to the board by the evaluator; and
- (4) A state-approved certificate by examination program recognized by the board. [Eff 6/18/79; am and ren §16-89-11, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5)
(Imp: HRS §457-8)

§16-89-12 Other eligible candidates. The following shall be eligible to take the NCLEX-PN, provided the requirements of section 16-89-48 have been met:

- (1) Nursing students who withdrew in good standing from state-approved programs which

prepare graduates for practice as registered nurses, who have successfully completed the current minimum curriculum requirements for LPN licensure at the time of application and have submitted acceptable evidence to the board; and

- (2) Nursing students presently enrolled in state-approved programs which prepare graduates for practice as registered nurses who have successfully completed the minimum curriculum requirements for LPN licensure and have submitted acceptable evidence to the board. [Eff 6/18/79; am and ren §16-89-12, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §§457-7, 457-8)

SUBCHAPTER 3

LICENSE WITHOUT EXAMINATION

§16-89-16 License requirements. An applicant for license without examination shall submit to the board:

- (1) An application prescribed by the board accompanied by the required fee;
- (2) A verification of license completed by the originating state board verifying licensure; completion of United States accredited nursing program or nursing program approved by state board as being equivalent to a United States accredited nursing education program; licensing exam [score(s)] scores and exam series; number of times applicant

wrote exam; and whether or not there are any encumbrances on the license.

The verification of license form shall be signed and sealed by the originating state board showing that the eligibility requirements of this chapter, including the requirements of section 16-89-17 or 16-89-18 have been met. Verification obtained directly from Nursys shall not require a signature or seal. However, all other eligibility requirements of this chapter shall be met; and

- (3) A self-query report from the NPDB. The board may require additional background checks of nurse applicants from an independent background check service as approved by the board, provided that the applicant shall pay the cost of the background check. [Eff 6/18/79; am and ren §16-89-16, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; am and comp]
(Auth: HRS §§457-5; 457-12) (Imp: HRS §§457-7, 457-8)

§16-89-17 Eligibility for registered nurse license without examination (endorsement). The following shall be eligible; provided all applicable requirements of this chapter and chapter 457, HRS, have been met:

- (1) Applicants who are graduates of accredited United States schools of nursing including graduates of external degree programs recognized by the board who meet the requirements of section 16-89-9;
- (2) Applicants who are graduates of nursing schools located outside the United States

who have met the requirements of section 16-89-9; or

- (3) Applicants who passed a registered nurse state board constructed licensing examination in another jurisdiction of the United States prior to the inception of the SBTPE in that jurisdiction. [Eff 6/18/79; am and ren §16-89-17, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-7)

§16-89-18 Eligibility for practical nurse license without examination (endorsement). The following shall be eligible; provided all applicable requirements of this chapter and chapter 457, HRS, have been met:

- (1) Applicants who are graduates of accredited United States schools of practical nursing, and who meet the requirements of section 16-89-9;
- (2) Applicants who are graduates of schools of practical nursing located outside the United States who have met the requirements of section 16-89-9; or
- (3) Applicants who have passed a practical nurse state board constructed licensing examination in another jurisdiction of the United States prior to the inception of the SBTPE in that jurisdiction. [Eff 6/18/79; am and ren §16-89-18, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-8)

SUBCHAPTER 4

TEMPORARY PERMITS

§16-89-22 Eligibility. [~~Temporary permits shall be granted to nurses who have been licensed by another state board of nursing, have passed a professional licensing examination recognized by the board, and have filed:~~

- ~~(1) An application prescribed by the board and accompanied by the required fee;~~
- ~~(2) Satisfactory evidence of a current license in another state, provided that the applicant submits proof that the applicant has requested from the originating state board a verification of licensure;~~
- ~~(3) Verification of employment by a Hawaii employer when the temporary permit is granted; and~~
- ~~(4) A self-query report from the NPDB. The board may require additional background checks of nurse applicants from an independent background check service as approved by the board, provided that the applicant shall pay the cost of the background check.~~

~~The temporary permit shall be valid for only that employer and shall be in effect until the verification of licensure is received from the originating state board, provided it is received within three months. The board may grant an extension if verification receipt is delayed for good reasons beyond applicant's control.]~~

(a) The board may issue a temporary permit to an out-of-state licensed practical nurse or registered nurse who has applied and met the following requirements:

- (1) Completed an application on a form prescribed by the board;**

- (2) Paid all fees established by title 16, chapter 53 that are made applicable to the board;
- (3) Provided proof of a valid license in another state, territory, or foreign country by way of a license verification from the other state, territory, or foreign country, or Nursys license verification report pursuant to section 16-89-16(2); and
- (4) The board determines no disciplinary action has been taken by or is pending with a nursing authority.

(b) An individual who currently holds a multistate license issued by another state may also meet the requirements for a temporary permit; provided that the individual has met the following requirements:

- (1) Completed an application on a form prescribed by the board;
- (2) Paid all fees established by title 16, chapter 53 that are made applicable to the board;
- (3) Provided proof of a valid multistate license in another state or territory by way of a Nursys license verification report pursuant to section 16-89-16(2); and
- (4) The board determines no disciplinary action has been taken by or is pending with a nursing authority.

For purposes of this subsection, a "multistate license" means a license to practice as a licensed practical nurse or registered nurse issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

(c) A temporary permit shall only be issued to an applicant who has been appointed or accepted employment with a single health care entity listed in section 321-11(10), HRS, and shall not be transferable to another nurse or health care entity. For purposes of this section, health care entities not listed under section 321-11(10), HRS, may include a State agency.

"State agency" means those agencies that include but is not limited to the Department of Education and Department of Public Safety.

(d) A temporary permit may be issued once a complete application is received by the board.

(e) A temporary permit shall be valid only for a period of six months from the date of issuance. In no case shall a permit issued pursuant to this section, be valid for more than a period of six months from the date of issuance. A new and separate temporary permit may be issued provided that the requirements of subsection (a) or (b), and (c) have been satisfied.

[Eff 6/18/79; am and ren §16-89-22, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; am and comp] (Auth: HRS §457-5) (Imp: HRS §457-13(3))

§16-89-23 Conditions. [~~(a) A second temporary permit shall not be granted.~~

~~(b)~~ Temporary permits may be invalidated in accordance with section 457-15, HRS. [Eff 6/18/79; am and ren §16-89-23, 6/22/81; am and comp 3/20/82; comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; am and comp] (Auth: HRS §457-5) (Imp: HRS §457-13(3))

SUBCHAPTER 5

LICENSE RENEWAL

§16-89-27 Notice. Notices to renew licenses shall be made available biennially to holders of

active licenses to the address of record. Failure to receive the notice shall not be a valid reason for non-renewal. Each licensee shall be responsible for ensuring timely renewal of the licensee's own nursing license. [Eff 6/18/79; am and ren §16-89-27, 6/22/81; am and comp 3/20/82; comp 9/18/82; comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; am and comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-9)

§16-89-28 Dishonored checks. Licensees who submit checks which are not honored by the bank and who do not make ~~[their checks]~~ the check good on or before June 30 of the year of renewal shall be subject to a penalty for late renewal in addition to the renewal fee. [Eff 6/18/79; am and ren §16-89-28, 6/22/81; am and comp 3/20/82; comp 9/18/82; comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; am and comp] (Auth: HRS §457-5) (Imp: HRS §457-9)

§16-89-29 Inactive status. Licensees who do not intend to practice nursing in Hawaii may request inactive status by writing to the board or by indicating so on the license renewal form. It shall be the responsibility of each licensee on inactive status to keep abreast with current licensing and renewal requirements. [Eff 6/18/79; am and ren §16-89-29, 6/22/81; comp 3/20/82; comp 9/18/82; comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-9)

§16-89-30 Return to active status. Return to active status shall require written notice to the board, payment of the current renewal fee and the compliance resolution fund fee, provided under section 16-53-27, and fulfillment of the current licensing and license renewal requirements. [Eff 6/18/79; am and ren §16-89-30, 6/22/81; am and comp 3/20/82; comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §§457-9, 26-9)

§16-89-31 Right to proceed. Placing a nursing license in inactive status shall not deprive the board of jurisdiction to proceed with disciplinary proceedings pursuant to chapter 91, HRS, and chapter 16-201. [Eff and comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/31/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-5, chapter 91)

SUBCHAPTER 6

APPROVAL OF NURSING EDUCATION

§16-89-33 Repealed. [R 12/27/10]

§16-89-34 Types of approval. (a) Approval is a process established to ensure that educational programs meet minimum standards in preparing safe practitioners as set forth in chapter 457, HRS, and this chapter.

(b) Approval shall be granted when all requirements of chapter 457, HRS, this chapter, and an accrediting body recognized by the board have been met.

(c) Probationary approval shall be granted 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 may be subject to losing board approval after a hearing held in conformance with chapter 91. [Eff 6/18/79; am and ren §16-89-34, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; am and comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-11)

§16-89-35 Denial of approval. Prior to denial of approval or change of approval status, a hearing shall be held pursuant to chapter 91, HRS, and chapter 16-201. A hearing may be petitioned by the board after a program has been given two consecutive warnings and has not presented sufficient evidence of meeting prescribed rules. [Eff 6/18/79; am and ren §16-89-35, 6/22/81; comp 3/20/82; comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-11)

§16-89-36 Survey of approved programs. Hawaii nursing education programs which are approved shall be surveyed on a four-year cycle beginning 1976 unless budgetary or other constraints beyond the control of

the board renders surveyance impractical or impossible. Programs granted probationary approval may be surveyed at a time interval of less than four years at the board's discretion. [Eff 6/18/79; am and ren §16-89-36, 6/22/81; am and comp 3/20/82; comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5)
(Imp: HRS §457-11)

§16-89-37 Accreditation. (a) Any Hawaii nursing education program awarded a certificate of accreditation by an accrediting body recognized by the board may apply to the board for approval, provided the applicant:

- (1) Holds a certificate with a designation of full accreditation; and
- (2) Submits a copy of the certificate and the accrediting body's accreditation evaluation report.

(b) The board may renew the approval following recertification by the accrediting body recognized by the board if the nursing education program:

- (1) Completes and submits a self-study report;
- (2) Submits a copy of the reevaluation report and certificate of accreditation after each survey performed by the accrediting body;
- (3) Submits a copy of responses to any recommendation made by the accrediting body and subsequent action of the accrediting body;
- (4) Immediately reports any change or loss of full accreditation including the reasons for the action, and the plans made by the program for reinstatement; and
- (5) Maintains compliance with the board's standards for nursing programs as set forth in subchapter 8. [Eff and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp

SUBCHAPTER 7

DEVELOPMENT OF A NEW NURSING PROGRAM

§16-89-40 Requirements. (a) Control of the new nursing program shall be vested in the governing body of a university or community college. A new program in nursing may be given initial approval after completion of the requirements of this section.

(b) Phase I - twelve months prior to the intended opening of school.

- (1) Any agency or institution considering the establishment of a school shall advise the board of its intent in writing;
- (2) The following information shall be submitted in writing:
 - (A) Purpose of establishing the school;
 - (B) Philosophy, objectives, and accreditation status of the controlling agency or institution;
 - (C) Type of educational program to be established;
 - (D) Relationship to the controlling agency or institution;
 - (E) Financial resources of the program;
 - (F) Need and readiness of the community to support the program;
 - (G) Source of potential students;
 - (H) Clinical and physical facilities for program;
 - (I) Recruitment activities relative to securing a director of the program; and
 - (J) Tentative timetable for initiating the program.

(c) Phase II - six months prior to the intended opening of the school.

- (1) The agency or institution shall submit a progress report, which shall include the following information:
 - (A) Statements of philosophy and purposes;
 - (B) Curriculum and its objectives;
 - (C) Admission policies and plans for student welfare;
 - (D) Statements of policy necessary for operation of the program;
 - (E) Plans for resources and facilities, including clinical facilities and services;
 - (F) Tentative program calendar;
 - (G) Budget plan;
 - (H) Qualifications and curriculum vitae of the director shall be submitted to the board; the date employment will begin shall be specified;
 - (I) Timetable for employment of faculty and documentation of availability of qualified instructors; and
 - (J) Organizational chart showing agency control, relationships, and lines of authority.
- (2) Continuing approval may be granted by the board at this time, if all the conditions of the law and the rules have been fulfilled. Approval shall be effective until the time of the report of the first accreditation survey.
- (3) Provisions shall be made for accepting students. Students shall not be accepted until continuing approval has been granted by the board.

(d) Phase III - three months prior to the opening of the school. Progress reports on the development of the program shall be made by the director to the board. Qualified faculty members sufficient to initiate the program shall be employed.

(e) Phase IV - after opening of the school. An interim report on the form provided by the board shall be submitted six months after the commencement of the school year. [Eff 6/18/79; am and ren §16-89-40, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; am and comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5)
(Imp: HRS §457-11)

SUBCHAPTER 8

STANDARDS FOR NURSING PROGRAMS

§16-89-44 Philosophy or mission. The philosophy or mission of all nursing programs approved in this State shall be as follows:

- (1) The formulation of a statement of philosophy or mission is the responsibility of the faculty;
- (2) The philosophy as stated shall be in agreement with the philosophy of the controlling institution;
- (3) The needs of the consumer of nursing services and the needs of the student in nursing shall be included in the statement of philosophy or mission;
- (4) The statement of philosophy or mission shall be used by the faculty in planning the total educational program;
- (5) The philosophy shall reflect the beliefs of the faculty in relation to education, nursing, learning, and faculty responsibility for direction and guidance of learning experiences;

- (6) The mission shall be comprehensive in scope, consistent with the stated philosophy and with the resources available; and
- (7) The program objectives or outcomes shall specifically identify the competencies in nursing for which the graduate is prepared. [Eff 6/18/79; am and ren §16-89-44, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; am and comp 5/5/05; comp 12/27/10 comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-11)

§16-89-45 Organization and administration. (a)

The control of the school shall be vested in the controlling institution. The function of the controlling institution shall be to ensure that the facilities and leadership will provide the best possible services to students and faculty and provide for a sound educational program. Each institution shall have an organizational chart showing agency control, relationships, and lines of authority.

(b) Sufficient funds shall be available for carrying out objectives of the program. A budget shall be prepared in accordance with sound educational and financial practices.

(c) Organization of the faculty shall enable it to carry fully its responsibility for planning, implementing, and evaluating the philosophy, mission, objectives, and curriculum of the educational program. The following shall be available for review:

- (1) Chart showing faculty organization;
- (2) Minutes of faculty meetings;
- (3) Faculty handbook; and
- (4) Curriculum vitae of each faculty member.

(d) In addition to a current Hawaii RN license, minimum faculty and administrator qualifications and preparation to be completed by the date of application shall include the following:

- (1) The administrator, who is the [+] person directly responsible [+] for the master's degree in the nursing program, shall hold a minimum of:
 - (A) A master's degree in nursing;
 - (B) An earned doctorate from an accredited institution; provided the education shall include academic credit in curriculum development, evaluation, or teaching methods, and
 - (C) Academic preparation for administration or administrative experience or both.
- (2) The administrator, who is the [+] person directly responsible [+] for the baccalaureate nursing program, shall hold a minimum of:
 - (A) A master's degree in nursing;
 - (B) Preferably, an earned doctorate from an accredited institution; provided the education shall include academic credit in curriculum development, evaluation, or teaching methods; and
 - (C) Academic preparation for administration or administrative experience or both[+].
- (3) The administrator, who is the [+] person directly responsible [+] for the associate degree nursing program, shall hold a minimum of:
 - (A) A master's degree in nursing which shall include academic credit in curriculum development, evaluation, or teaching methods; and
 - (B) Academic preparation for administration or administrative experience or both[+].
- (4) The administrator, who is the [+] person directly responsible [+] for the practical nursing program, shall hold a minimum of:
 - (A) A master's degree in nursing which shall include academic credit in

- curriculum development, evaluation, or teaching methods; and
- (B) Academic preparation for administration or administrative experience or both[†].
- (5) Faculty members in a program which prepares advanced practice registered nurses shall be recognized as an advanced practice registered nurse by the board and hold a minimum of:
- (A) A master's degree in nursing;
- (B) Preferably, an earned doctorate from an accredited institution;
- (C) Clinical nursing experience, of which at least one year shall be in [~~their~~ area(s)] the area of teaching responsibility; and
- (D) Preferably education in curriculum development, evaluation, or teaching methods; or related experience in the above.
- (6) Faculty members in a program which prepares registered nurses shall hold a minimum of:
- (A) A master's degree in nursing with one year of nursing experience in [~~their~~ area(s)] the area of teaching responsibility; or
- (B) If a bachelor's degree in nursing is the highest degree obtained, at least three years of nursing experience in [~~their area(s)] the area of teaching responsibility; and~~
- (C) Preferably education in curriculum development, evaluation, or teaching methods; or related experience in the above[†].
- (7) Faculty members in a program which prepares practical nurses shall hold a minimum of:
- (A) Preferably, a master's degree in nursing with one year of nursing experience in [~~their area(s)] the area of teaching responsibility; or~~

- (B) If a bachelor's degree is the highest degree obtained, at least three years of nursing experience shall be in [~~their area(s)~~] the area of teaching responsibility; and
- (C) Preferably education in curriculum development, evaluation, or teaching methods; or related experience in the above.

(e) The maximum instructional load shall permit the faculty member opportunities for professional development, curriculum development, student guidance, scholarship, research, and service as appropriate to the nursing program.

(f) In the clinical area, the faculty shall be adequately prepared in education and experience to develop and implement the program approved by the board to meet the requirements of sections 16-89-47 and 16-89-48.

(g) Faculty shall determine policies in the following areas in regard to students:

- (1) Admission;
- (2) Progression; and
- (3) Graduation.
- (h) Physical facilities shall include:
 - (1) Educational facilities, which shall include:
 - (A) Offices for administrative and instructional personnel; and
 - (B) Adequate classrooms, library, laboratories, and conference rooms to accommodate the program; and
 - (2) Clinical facilities, which shall be subject to the following conditions:
 - (A) All agencies and institutions shall maintain a memorandum of agreement used for the educational experiences which shall be available to the board;
 - (B) The selection of clinical facilities shall consider: the number of clients; variety of health conditions; adequate and appropriately qualified nursing staff and other members of the health

care team; and accreditation by appropriate associations.

- (i) The student-teacher ratio shall be:
 - (1) In accordance with national education standards for advanced practice registered nurse programs; and
 - (2) Preferably eight to one for registered nurse and practical nurse programs, but at no time more than ten to one for direct supervision. The ratio shall be established in accordance with acuity of client needs, objective of learning experiences, level of students, geographic placement of students, environment, other requirements as established by the clinical agency, and teaching methods. Any deviation from the ratio shall first be approved by the board and justified to the satisfaction of the board.

(j) The institution conducting the educational program of nursing shall publish and make available an accurate description of the program in effect.

(k) An institution may request suspension of a program for not more than one year. After one year of inactivity, the institution must reapply and meet the requirements set forth in subchapter 7.

(l) The board shall be notified one year before the proposed closing date. Appropriate arrangements shall be made by the program for the enrolled students.

(m) The institution shall maintain an adequate records system. Student records shall include data which are pertinent to educational performance. Before a program is discontinued, a written statement shall be submitted by the governing body at least one year prior to the proposed closing date of the program indicating where student records or copies thereof shall be kept.

(n) Exceptions to this section may be granted on an individual basis for a limited period of time depending on the needs of the individual nursing program.

(o) Any program which fails to meet the requirements of this subchapter in a timely manner shall be so notified by the board in writing. The program shall have sixty days from the day of receipt of notice to request a hearing in accordance with chapter 91, HRS. [Eff 6/18/79; am and ren §16-89-45, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; am and comp 5/5/05; comp 12/27/10; am and comp 3/28/13; am and com 10/27/18; am and comp]
(Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-46 Curriculum. Curriculum shall be subject to the following requirements. The curriculum shall be:

- (1) Planned, implemented, and evaluated by faculty;
- (2) Based on the philosophy or mission and program objectives of outcomes of the nursing education program;
- (3) Consistent with the policies of the controlling institution, current standards and competencies of nursing practice, and laws governing the practice of nursing;
- (4) Logically organized and sequenced appropriately; and
- (5) For a period of time that shall ensure sufficient preparation for the safe and effective practice of nursing. [Eff 6/18/79; am and ren §16-89-46, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; comp 6/22/90; comp 9/5/97; comp 8/9/01; am and comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-11)

§16-89-47 The minimum curriculum for programs preparing registered nurses. (a) The curriculum

shall be approved by a national accrediting nursing organization recognized by the board. A new nursing program shall apply for national accreditation at the earliest possible date as defined by the accrediting agency.

(b) The curriculum shall include courses in the biological and physical sciences, social and behavioral sciences, and the arts or humanities.

(c) The curriculum shall include courses in nursing that include, but are not limited to:

- (1) Theory and clinical experiences based on the nursing process;
- (2) Nursing care of clients, as individuals and groups, through the lifespan in a variety of settings for the promotion, maintenance, and restoration of health; and
- (3) Legal and ethical issues, history and trends in nursing, and professional responsibility.

(d) The curriculum shall be comprised of a minimum of:

- (1) One hundred twenty semester credits for a bachelor's degree in nursing of which at least forty per cent of the credits shall be laboratory or clinical instruction; and
- (2) Sixty-four semester credits for an associate degree in nursing of which at least forty per cent of the nursing credits shall be laboratory or clinical instruction. Fifty-six semester credits or the number of semester credits recognized by the board for the pre-licensure portion of a master's entry in nursing program of which at least forty per cent of the credits shall be in laboratory or clinical instruction. [Eff 6/18/79; am and ren §16-89-47; 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; comp 9/5/97; comp 8/9/01; am and comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §§457-5, 457-11)

§16-89-48 The minimum curriculum for programs preparing licensed practical nurses. (a) The curriculum shall include a minimum of thirty semester credits of which at least forty per cent of the nursing credits are laboratory or clinical instruction.

- (b) The curriculum shall have courses in:
- (1) Biological sciences and social or behavioral sciences; and
 - (2) Nursing:
 - (A) Nursing care of clients, as individuals and families based in nursing process throughout the lifespan;
 - (B) Assisting clients in all age groups to meet relatively stable, predictable nursing requirements;
 - (C) Assisting the registered nurse in complex nursing situations; and
 - (D) Ethical and legal aspects of nursing relevant to the licensed practical nurse. [Eff 6/18/79; am and ren §16-89-48, 6/22/81; am and comp 3/20/82; am and comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; am and comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §§457-5, 457-11)

§16-89-49 The minimum curriculum for programs preparing advanced practice registered nurses. The minimum curriculum for nursing programs preparing advanced practice registered nurses shall meet national accreditation standards. [Eff and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; am and comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-11)

§16-89-50 Annual report required. (a) The institution conducting the educational program of nursing shall submit an annual report of statistical data and qualitative program information to the board by September 1 of each year. The board may extend the deadline if the institution is unable to timely submit the report for reasons satisfactory to the board.

(b) The report shall include, but not be limited to, the following information:

- (1) Pass rates of NCLEX-RN and NCLEX-PN candidates of the school in the last twelve months;
 - (2) Number of full-time and part-time faculty, rationale for non-nurse faculty or faculty who do not meet the requirements of section 16-89-45, and faculty application curriculum vitae, and certified transcripts of new faculty;
 - (3) Data regarding student applications, enrollment, graduation rates, and anticipated number of graduates for each academic year;
 - (4) Any changes or anticipated changes to the curriculum;
 - (5) Changes in fiscal resources or administrators; and
 - (6) Other substantive information as deemed necessary by the board.
- (c) General guidelines for reports:
- (1) The board shall review reports for approval or continued approval of nursing education programs only when the board is in a formal meeting in accordance with chapter 92, HRS;
 - (2) Reports shall be submitted to the board no less than two weeks prior to the meeting at which the report will be reviewed;
 - (3) The school shall be informed in writing of deficiencies in the report or items required in subchapter 7, corrective measures which

- are needed, and the time frame in which the corrective measures shall be completed; and
- (4) Failure to timely correct deficiencies to the satisfaction of the board may result in the withdrawal or suspension of approval after a hearing in accordance with chapter 91, HRS. [Eff and comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-11)

§16-89-51 Closing of an approved nursing education program. (a) Voluntary closing. When the governing institution anticipates the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan, and date of the intended closing. Notice of intent to discontinue a nursing program shall be transmitted to the board at least thirty days prior to public announcement. The governing institution shall choose one of the following closing procedures:

- (1) The program shall continue until the last class of enrolled graduates:
- (A) The program shall continue to meet the standards for approval until all of the enrolled students graduate;
 - (B) The date of closure is the date on the degree, diploma, or certificate of the last graduate; and
 - (C) The governing institution shall notify the board of the actual closing date.
- (2) The program shall close after the governing institution has made reasonable effort to transfer its students to other approved programs:
- (A) The program shall make reasonable effort to continue to maintain the standards until date of closing; and
 - (B) A list of the names of students who have been transferred to approved

programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(b) Closing as a result of denial or withdrawal of approval. When the board denies or withdraws approval of a program, the governing institution shall:

- (1) Close the program after the governing institution has made what the board considers a reasonable effort to assist in the transfer of students to other approved programs. A time frame for the transfer process shall be established by the board;
- (2) Submit to the board a list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution; and
- (3) Submit in writing to the board thirty days prior to public announcement the expected date of closing, and submit in writing to the board thirty days prior to the actual closing the actual date of closing of the program.

(c) Custody of record. Provision shall be made for custody of records as follows:

- (1) Safe storage of vital records, including permanent records of all graduates of the program; and
- (2) Notification to the board as to where the records will be stored and how they may be accessed by appropriate request. [Eff and comp 5/5/05; comp 12/27/10; am and comp 3/28/13; am and comp 10/27/18; comp

] (Auth: HRS §457-5) (Imp:
HRS §457-11)

SUBCHAPTER 9

MAJOR REVISION OF NURSING PROGRAM

§16-89-52 Phase I - twelve months prior to initiating revised program. Any agency or institution considering major revision of the nursing program shall advise the board of its intent in writing. The following information shall be submitted in writing:

- (1) Justification for revision;
- (2) Need and readiness of community to support the program; and
- (3) Tentative timetable for planning, organizing, and initiating the new curriculum. [Eff 6/18/79; am and ren §16-89-52, 6/22/81; am and comp 3/20/82; comp 9/18/82; comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp]
(Auth: HRS §457-5) (Imp: HRS §§457-5, 457-11)

§16-89-53 Phase II - six months prior to initiating revised program. The following documented evidence of readiness to implement the new program which shall be submitted to the board in writing:

- (1) Statements of philosophy and purpose;
- (2) Curriculum framework;
- (3) Curriculum and its objectives including terminal behaviors of the graduates;
- (4) Admission policies and plans for student welfare;
- (5) Statements of policy necessary for operation of the program;
- (6) Plans for resources and facilities including clinical facilities and services; and
- (7) Tentative program calendar. [Eff 6/18/79; am and ren §16-89-53, 6/22/81; am and comp 3/20/82; comp 9/18/82; am and comp 6/22/90;

am and comp 9/5/97; comp 8/9/01; comp
5/5/05; comp 12/27/10; comp 3/28/13; comp
10/27/18; comp] (Auth: HRS
§457-5) (Imp: HRS §§457-5, 457-11)

SUBCHAPTER 10

SEAL OF THE BOARD

§16-89-57 Description. The official seal of the State with the inscription of the name of the board shall be and is the adopted seal of this board. [Eff 6/18/79; am and ren §16-89-57, 6/22/81; am and comp 3/20/82; comp 9/18/82; am and comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-5)

SUBCHAPTER 11

UNPROFESSIONAL CONDUCT

§16-89-59 Unprofessional conduct. Nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession and which reflect adversely on the health and welfare of the public shall constitute unprofessional conduct. [Eff and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-12)

§16-89-60 Types of unprofessional conduct. The types of unprofessional conduct shall include, but are not limited to, the following:

- (1) Submitting information to the board pursuant to an application for licensure, renewal of licensure, or reinstatement of licensure which is fraudulent, deceitful, or contains misrepresentations regarding the applicant's or licensee's educational background, passing of a licensure examination, pending disciplinary actions, or licensure status;
- (2) Impersonating any applicant, or acting as proxy for the applicant in any nurse licensure examination, allowing any person to use one's nursing license, or the aiding, abetting, or assisting an individual to violate or circumvent chapter 457, HRS, or this chapter;
- (3) Practicing nursing within this State without a valid current license, or after the temporary license has expired;
- (4) Misrepresenting that the person is a licensed practical nurse or licensed registered nurse, verbally or in writing, when the person does not possess the appropriate license;
- (5) Failing to report to the board any revocation, suspension, or other disciplinary actions against the applicant or licensee by another state or jurisdiction of the United States for any act or omission which would constitute unprofessional conduct;
- (6) Performing unsafe or unacceptable patient care or failing to conform to professional standards required of a nurse which poses a danger to the welfare of a patient which shall include:
 - (A) Intentionally or negligently causing physical or emotional injury to a patient;

- (B) Administering medication and treatment in a careless or negligent manner;
 - (C) Failing to take appropriate action or to follow policies and procedures in the practice setting designed to safeguard the patient;
 - (D) Failing to take appropriate action in safeguarding a patient from incompetent health care practices;
 - (E) Performing nursing techniques or procedures without proper education and training;
 - (F) Violating the confidentiality of information or knowledge concerning the patient or failing to safeguard the patient's dignity and right to privacy; and
 - (G) Leaving a nursing assignment or abandoning a patient without properly notifying appropriate personnel;
- (7) Engaging in any act inconsistent with the practice of nursing as defined in section 457-2, HRS, for that of a licensed practical nurse or a registered nurse including:
- (A) Engaging in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient;
 - (B) Practicing nursing when physical or mental ability to practice is impaired by alcohol or drugs, or because of other physical, psychological, or mental impediment;
 - (C) Willfully, or deliberately, falsifying or altering a patient's, health care facility's, or employee's record;
 - (D) Unauthorized use or removal of drugs, supplies, or property from a patient or health care facility, institution or other work place location, or diverting or attempting to divert drugs or controlled substances for unauthorized

- use or appropriating money, supplies, or equipment;
- (E) Possessing, obtaining, furnishing, or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs; and
 - (F) Failing to supervise persons to whom nursing functions have been delegated under one's supervision; and
- (8) Failing to report oneself as a nurse, or failing to report, as a director of nursing, designated nursing supervisor, or designee, a nurse against whom disciplinary action as a result of unprofessional conduct described in §16-89-60(6) or inconsistent with the practice of nursing as identified in §16-89-60(7) has been taken, including termination or resignation of a nurse in lieu of discipline, or who may be a threat to the public health or safety. [Eff and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp]
(Auth: HRS §457-5) (Imp: HRS §457-12)

§16-89-61 Repealed. [R 6/22/90]

§16-89-62 Voluntary surrender of license.

Voluntary surrender of license to practice nursing or placing the nursing license on inactive status shall not deprive the board of jurisdiction to proceed with disciplinary proceedings pursuant to chapter 91, HRS, and chapter 16-201. [Eff 6/18/79; am and ren §16-89-62, 6/22/81; am and comp 3/20/82; comp 9/18/82; am and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18;

comp] (Auth: HRS §457-5) (Imp: HRS §457-12)

§16-89-63 Disciplinary action. (a) In disciplining a licensee pursuant to a proceeding held in accordance with chapter 91, HRS, and chapter 16-201, the board, in addition to having the power to deny, revoke, or suspend any license to practice nursing may limit the license by restricting the field of practice in which the licensee may engage in, place the licensee on probation, or both.

(b) The board may impose conditions and shall determine whether and when limitations or conditions shall be removed with respect to a registered nurse or a licensed practical nurse who has been placed on probation, or whose license has been suspended or limited in any way. [Eff and comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-12)

§16-89-64 Repealed.

SUBCHAPTER 12

PRACTICE AND PROCEDURE

§16-89-66 Administrative practice and procedure. The rules of practice and procedure for nurses shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs, which are incorporated by reference and made a part of this chapter. [Eff and

comp 6/22/90; comp 9/5/97; comp 8/9/01; comp 5/5/05;
comp 12/27/10; comp 3/28/13; comp 10/27/18;
comp] (Auth: HRS §§91-2, 457-5)
(Imp: HRS §§91-2, 457-5)

SUBCHAPTER 13

ORAL TESTIMONY

§16-89-70 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony is requested to so notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;
- (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and

(6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.

(b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearings relief, declaratory relief, or rule relief of chapter 16-201.

(c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 6/22/90; am and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §92-3)

SUBCHAPTER 14

ADVANCED PRACTICE REGISTERED NURSE

§16-89-75 Objective. This subchapter is intended to recognize the performance of additional acts performed by registered nurses practicing in expanded specialized roles, and to set standards for nurses practicing as advanced practice registered nurses in order to protect and safeguard the welfare of the public. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-8.5)

§16-89-77 Repealed.

§16-89-79 Title. (a) A registered nurse who has been recognized by the board to have satisfactorily met the requirements of chapter 457, HRS, and this subchapter shall be called an advanced practice registered nurse and authorized to use the abbreviation A.P.R.N.

(b) No person shall practice or offer to practice as an advanced practice registered nurse, or use the A.P.R.N. abbreviation, or any other title, words, letters, signs or figures to indicate that the person is an advanced practice registered nurse unless the person has met all appropriate requirements of this subchapter. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-5)
(Imp: HRS §457-8.5)

§16-89-81 Practice specialties. (a) The four areas of advanced practice registered nurses recognized by the board from which the practice specialties are derived are:

- (1) Nurse practitioner ("NP");
- (2) Certified registered nurse anesthetist ("CRNA");
- (3) Certified nurse-midwife ("CNM"); and
- (4) Clinical nurse specialist ("CNS").

(b) In addition to those functions specified for the registered nurse, and in accordance with appropriate nationally recognized standards of practice, the advanced practice registered nurse may perform the following generic acts which include, but are not limited to:

- (1) Provide direct care by utilizing advanced scientific knowledge, skills, nursing and related theories to assess, plan, and

- implement appropriate health and nursing care to patients;
- (2) Provide indirect care. Plan, guide, evaluate and direct the nursing care given by other personnel associated with the health care team;
 - (3) Teach, counsel, or plan care for individuals or group, utilizing a synthesis of advanced skills, theories, and knowledge of biologic, pharmacologic, physical, sociocultural and psychological aspects of care to accomplish desired objectives;
 - (4) Serve as a consultant and resource of advanced clinical knowledge and skills to those involved directly or indirectly in patient care;
 - (5) Participate in joint and periodic evaluation of services rendered including, but not limited to, chart reviews, case reviews, patient evaluations, and outcome of case statistics;
 - (6) Establish collaborative, consultative, and referral networks as appropriate with other health care professionals. Patients who require care beyond the scope of practice of an APRN shall be referred to an appropriate health care provider;
 - (7) Manage the plan of care prescribed for the patient;
 - (8) Initiate and maintain accurate records and authorize appropriate regulatory and other legal documents;
 - (9) Recognize, develop, and implement professional and community educational programs related to health care;
 - (10) Conduct research and analyze the health needs of individuals and populations and design programs which target at-risk groups and cultural and environmental factors which foster health and prevent illness;

- (11) Participate in policy analysis and development of new policy initiative in the area of practice specialty; and
 - (12) Contribute to the development, maintenance, and change of health care delivery systems to improve quality of health care services and consumer access to services.
- (c) The scope of practice for each of the four areas of clinical practice specialties shall be in accordance with nationally recognized standards of practice which are consistent with the following:
- (1) Nurse practitioner scope of practice, depending on area of specialty, may include, but is not limited to:
 - (A) Evaluate the physical and psychosocial health status of patients through a comprehensive health history and physical examination, or mental status examination, using skills of observation, inspection, palpation, percussion, and auscultation, and using diagnostic instruments or procedures that are basic to the clinical evaluation of physical, developmental, and psychological signs and symptoms;
 - (B) Order, interpret, or perform diagnostic, screening, and therapeutic examinations, tests and procedures;
 - (C) Formulate a diagnosis;
 - (D) Plan, implement, and evaluate care;
 - (E) Order or utilize medical, therapeutic, or corrective measures including, but not limited to, rehabilitation therapies, medical nutritional therapy, social services and psychological and other medical services;
 - (F) Monitor the effectiveness of therapeutic interventions;
 - (G) Assist in surgery; and
 - (H) Admit and discharge clients for inpatient care at facilities licensed

as hospitals, long term care facilities or hospice.

(2) Certified registered nurse anesthetist scope of practice:

- (A) Be responsible for performing and documenting total anesthesia care of patient including, but not limited to, pre-anesthetic preparation and evaluation, requesting consultations and diagnostic studies, obtaining informed consent for anesthesia, and selection and administration of anesthetic agents or other agents administered in the management of anesthetic care, anesthesia induction, maintenance, emergence, and post anesthesia care;
- (B) Develop and implement an anesthetic care plan;
- (C) Select and initiate the planned anesthesia technique which may include: general, regional, and local anesthesia and sedation;
- (D) Select, apply, or insert appropriate non-invasive and invasive monitoring modalities for collecting and interpreting patient physiological data;
- (E) Support life functions during the peri-operative period;
- (F) Select, obtain, and administer the anesthetics, adjuvant drugs, accessory drugs, and fluids, necessary to manage the anesthetic to maintain the patient's physiologic homeostasis, and to correct abnormal responses to the anesthesia or surgery;
- (G) Recognize and be able to take appropriate action for untoward patient responses during anesthesia;
- (H) Observe and manage the patient's emergence from anesthesia by selecting,

- obtaining, ordering, or administering medications, fluids, or ventilatory support in order to maintain homeostasis;
- (I) Discharge patients from a post-anesthesia care area;
 - (J) Participate in the life support of the patient including, but not limited to, peri-anesthetic and clinical support functions;
 - (K) Implement acute and chronic pain management modalities; and
 - (L) Respond to emergency situations by providing airway management, administration of emergency fluids or drugs, or using basic or advanced cardiac life support techniques.
- (3) Certified nurse-midwife scope of practice:
- (A) Provide independent management of women's health care, focusing particularly on pregnancy, childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of women;
 - (B) Practice in accordance with the standards for the practice of nurse-midwifery of the American College of Nurse-Midwives, unless otherwise indicated by the board. The standards include but do not limit the nurse midwife to:
 - (i) Provide primary care services for women and newborns;
 - (ii) Take histories and perform physical exams;
 - (iii) Order and interpret diagnostic tests;
 - (iv) Operate within a health care system that provides for consultation, collaborative management, or referral as

- indicated by the status of the client; and
- (v) Admit clients for inpatient care at facilities licensed as hospitals or birth centers in the State; and
 - (C) Includes all of the functions listed in paragraph (1) relating to nurse practitioner scope of practice.
- (4) Clinical nurse specialist scope of practice, depending on area of specialty, may include, but is not limited to:
- (A) Evaluate the physical, developmental, and psychosocial health status of patients through a comprehensive health history, physical examination, or mental status examination, using skills of observation, inspection, palpation, percussion, and auscultation, and using diagnostic instruments or procedures that are basic to clinical evaluation of physical, developmental, and psychological signs and symptoms;
 - (B) Order, interpret, or perform diagnostic and therapeutic examinations, tests and procedures, if CNS educational preparation included pathophysiology, pharmacology, advanced health promotion and disease prevention, differential diagnosis, and disease management; formulate a diagnosis;
 - (C) Assess the normal and abnormal findings from the history, physical, and mental status examinations, and diagnostic reports;
 - (D) Plan, implement, and evaluate the care of patients and groups of patients (including individuals, couples, groups, families, and communities) with complex needs in the area of practice specialty;

- (E) Provide advanced management of health care for selected client populations;
- (F) Consult, as needed, with members of health care teams concerning physiological, psychological, social, educational, and ethical issues in area of expertise; and
- (G) Initiate and maintain accurate records, appropriate legal documents, and other health and nursing care reports.

(d) Nothing in this section shall allow an APRN to prescribe any substance included in the current ~~[Exclusionary Formulary]~~ exclusionary formulary. It shall be unlawful for any nurse not granted prescriptive authority under this chapter to prescribe, offer to prescribe, or to use any sign, card, or device to indicate that the nurse is so authorized.

(e) Nothing in this section shall preclude a licensed nurse from carrying out prescribed medical orders of a licensed dentist, physician, osteopath, or podiatrist licensed in accordance with chapter 448, 453, or 463E, HRS, or the orders of a recognized advanced practice registered nurse.

(f) Nothing in this section shall limit a certified registered nurse anesthetist from providing total anesthesia care as designated in subsection (c) (2). [Eff and comp 9/5/97; am and comp 8/9/01; comp 5/5/05; am and comp 12/27/10; am and comp 3/28/13; am and comp 10/27/18; am and comp]
 (Auth: HRS §457-5) (Imp: HRS §457-8.5)

§16-89-83 Requirements for license as an advanced practice registered nurse. In addition to submitting an application prescribed by the board and having a current, unencumbered license as a registered nurse in this State the applicant for license as an advanced practice registered nurse shall provide proof of:

- (1) Documentation relating to any disciplinary action ordered by or pending before any board of nursing in any state or jurisdiction of the United States;
- (2) Documentation from the appropriate agencies or parties regarding any criminal conviction, of which the applicant is the subject, that has not been annulled or expunged. This includes, but is not limited to, certified copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the judgment of the court with regard to the conviction, the sentence imposed, the actual terms of the sentence, and whether sentence was completed; and
- (3) A self-query report from the NPDB. The board may require additional background checks of nurse applicants from an independent background check service as approved by the board, provided that the applicant shall pay the cost of the background check.

The board may also require that the applicant submit a signed explanation of the events that led to the disciplinary action or prior conviction. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-8.5)

§16-89-85 Recognized national certifying body; certification. (a) National certifying bodies recognized by the board to certify the advanced practice registered nurse specialty include:

- (1) The American Nurses Credentialing Center;
- (2) The Pediatric Nursing Certification Board;
- (3) The National Certification Corporation;
- (4) The American Midwifery Certification Board;

- (5) The National Board of Certification and Recertification for Nurse Anesthetists;
- (6) The American Academy of Nurse Practitioners Certification Board; and
- (7) The American Association of Critical-Care Nurses.

(b) The board may recognize other national certifying bodies accredited by the ABNS or the NCCA, which provide competency-based certification examinations reflective of APRN knowledge of and expertise in ~~[their]~~ APRN's nursing specialties.

(c) A national certifying body which is a successor to any body listed in this section may also be recognized by the board, provided the body maintains or exceeds the standards of its predecessor. Any modifications to the standards shall be recognized unless otherwise provided in the board's policy until such time as the board can amend its rules.

(d) A board-recognized ~~[advanced practice registered nurse]~~ APRN shall have the right to use the ~~[title(s)]~~ title designated by the certifying bodies.

(e) No other person shall assume any of the titles designated by the certifying bodies in subsection (a), or any other words, letters, signs, or devices to indicate that the person using the title is so qualified. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; am and comp 3/28/13; am and comp 10/27/18; am and comp]

(Auth: HRS §457-5) (Imp: HRS §457-8.5)

§16-89-87 Renewal of APRN license. (a) All licenses for advanced practice registered nurses shall expire on June 30 of every odd-numbered year and shall be renewed biennially. In each odd-numbered year, the board shall make available to all licensees an application for renewal of license to be submitted to the board by the deadline set forth by the board. Applicants shall be currently licensed as registered nurses in this State and shall submit:

- (1) Evidence of current national certification if the advanced practice registered nurse does not hold a graduate-level degree in clinical nursing or nursing science in a board recognized practice specialty;
- (2) Documentation from agencies or parties relating to any disciplinary action ordered by or pending before any board of nursing in any state or territory of the United States within the two years prior to application for renewal of license;
- (3) Information, including but not limited to, certified documents from appropriate agencies and persons regarding any criminal conviction within the past two years which has not been annulled or expunged; and
- (4) The required renewal non-refundable fee.

(b) When renewing an APRN license, the applicant may elect to be placed on inactive status by indicating so on the renewal form provided by the board and paying all appropriate fees. ~~[Advanced practice registered nurses]~~ APRNs wishing to reactivate ~~[their]~~ the license at any time during the biennial period shall comply with the requirements of subsection (a).

(c) ~~[Advanced practice registered nurses]~~ APRNs who fail, neglect, or refuse to renew ~~[their]~~ the license on or before June 30 of each odd-numbered year shall have ~~[their]~~ the license forfeited. The license may be restored within six months of renewal date, in compliance with subsection (a), and payment of renewal and penalty fees. Failure to restore within the time period provided, except as otherwise provided by law, shall constitute a forfeiture of the license and the applicant shall file for licensure pursuant to section 16-89-83.

(d) Licensees who fail to renew ~~[their]~~ the APRN license ~~[as advanced practice registered nurses]~~ as provided in subsection (a), or who have placed ~~[their]~~ the APRN license on inactive status as provided in subsection (b) and continue to practice as ~~[advanced practice registered nurses]~~ an APRN, shall be subject

to penalties provided for violations of chapter 457, HRS, and this chapter. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; am and comp] (Auth: HRS §457-5) (Imp: HRS §§457-9, 457-8.5)

§16-89-89 Discipline. The board shall have the same power to deny, revoke, limit, or suspend any license of an advanced practice registered nurse for any of the actions subject to disciplinary action as prescribed in chapter 457, HRS, and this chapter. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-12)

§16-89-91 Encumbered license. Encumbrances based on disciplinary action ordered by the board to be imposed on the license of an advanced practice registered nurse shall also be placed on all nurse licenses and prescriptive authority held. Any encumbrance on one license or prescriptive authority shall automatically and similarly affect the other. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5) (Imp: HRS §457-12)

§16-89-93 Reinstatement following completion of a board ordered suspension. An advanced practice registered nurse seeking reinstatement of APRN license following a board ordered suspension or limitation shall comply with all conditions of the order of suspension or limitation which may include applying as a new applicant meeting the requirements of section

16-89-83. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §457-5)
(Imp: HRS §436B-20)

§16-89-95 Fees. (a) Every application for a license shall be accompanied by the appropriate fees provided in chapter 16-53 and any other fee required by law.

(b) All fees are non-refundable. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §26-9) (Imp: HRS §§26-9, 457-8.5, 457-9)

§16-89-97 Advanced practice registered nurse requesting prescriptive authority. An advanced practice registered nurse who applies for prescriptive authority also shall comply with the eligibility requirements as set forth by the board in this chapter. [Eff and comp 9/5/97; comp 8/9/01; comp 5/5/05; am and comp 12/2[4]7/10; comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §457-8.6)
(Imp: HRS §457-8.6)

SUBCHAPTER 15

DELEGATION OF NURSING CARE TASKS TO UNLICENSED ASSISTIVE PERSONNEL

§16-89-100 Purpose. (a) Only a registered nurse has authority to practice professional nursing;

therefore, only the registered nurse has authority to delegate nursing.

It is the intent of the board that the delegation of tasks of nursing care to unlicensed assistive personnel be the exception rather than the rule unless the registered nurse can justify the need for delegation.

The board believes that unlicensed assistive personnel can be utilized to provide tasks of nursing care under the specific delegation and supervision of a registered nurse and not under any licensed practical nurse. Nothing in this subchapter shall limit a licensed practical nurse from providing care within the scope of their practice.

A registered nurse may delegate in any setting at any time; provided that when the registered nurse is not regularly scheduled and not available to provide direct supervision, the registered nurse shall provide indirect supervision.

(b) When delegating a task, function, or activity, the nurse shall use the NCSBN delegation decision-making process and the protocols contained in the NCSBN documents recognized by the board as a model.

(c) In public school settings, medication shall be administered by school aides in accordance with the regulations and local policies of the department of health and the department of education. Those regulations and policies shall comply and coordinate with applicable federal and state laws, including but not limited to, part III, subpart F of chapter 302A, HRS (relating to school health services program, including statewide requirements for medication administration) and section 11-146-4. [Eff 7/16/98; comp 8/9/01; comp 5/5/05; am and comp 12/27/10; am and comp 3/28/13; am and comp 10/27/18; comp]
(Auth: HRS §457-5) (Imp: HRS §§457-2, 457-5)

§16-89-101 Repealed. [R 12/27/10]

§16-89-102 Repealed. [R 12/27/10]

§16-89-105 Repealed. [R 12/27/10]

§16-89-106 Repealed. [R 12/27/10]

§16-89-108 Repealed. [R 12/27/10]

§16-89-110 Repealed. [R 12/27/10]

§16-89-112 Repealed. [R 12/27/10]

§16-89-114 Repealed. [R 12/27/10]

SUBCHAPTER 16

ADVANCED PRACTICE REGISTERED NURSE PRESCRIPTIVE AUTHORITY

§16-89-116 Purpose. The purpose of this subchapter is to establish the requirements of the board for APRN prescriptive authority. APRNs who are granted prescriptive authority shall only prescribe

drugs appropriate to ~~their~~ the ~~APRNs~~ APRN practice specialties as recognized by the board and in accordance with the exclusionary formulary. [Eff 12/27/10; comp 3/28/13; comp 10/27/18; ~~am and comp~~] (Auth: HRS §§26-9 (k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

§16-89-117 Prescriptive authority. Only an APRN granted prescriptive authority by the board shall be able to practice as an APRN with prescriptive authority or use any sign, card, or device to indicate or in any way imply, that the person is an APRN who is authorized to prescribe. [Eff 12/27/10 comp 3/28/13; comp 10/27/18; comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

§16-89-119 Prescriptive authority eligibility requirements. (a) The requirements for prescriptive authority are as follows:

- (1) A completed application for prescriptive authority provided by the board and submitted with all appropriate documents and required fees;
- (2) Proof of a current, unencumbered license as a registered nurse in this State and in all other states in which the nurse has a current and active license;
- (3) Proof of a current, unencumbered license as an advanced practice registered nurse in this State and in all other states in which the nurse has a current and active license as an advanced practice registered nurse or similar designation;
- (4) Proof of a current, unencumbered certification for specialized and advanced nursing practice from a national certifying body recognized by the board;

- (5) Proof of successful completion of an accredited graduate-level nursing program with a significant educational and practical concentration on the direct care of patients, recognized by the board, leading to a graduate-level degree as a certified registered nurse anesthetist, a nurse midwife, a clinical nurse specialist, or a nurse practitioner. A graduate-level degree in nursing education or nursing administration does not qualify an applicant for prescriptive authority.
- (6) Proof of successful completion of at least thirty contact hours, as part of a graduate-level nursing degree program from an accredited, board-recognized college or university, of advanced pharmacology education, including advanced pharmacotherapeutics that is integrated into the curriculum, within the three-year time period immediately preceding the date of application. If completed more than the three-year time period, then one of the following shall be completed within the three-year time period immediately preceding the date of application for initial prescriptive authority:
 - (A) At least thirty contact hours of advanced pharmacology, including advanced pharmacotherapeutics, from an accredited, board-recognized college or university; or
 - (B) At least thirty contact hours of continuing education ("CE") approved by board-recognized national certifying bodies in advanced pharmacology, including advanced pharmacotherapeutics related to the applicant's scope of nursing practice specialty; and
- (7) Payment of a non-refundable application fee.
- (8) Upon satisfying all requirements in chapter 457, HRS, and this chapter, and payment of

required fees, the board shall grant prescriptive authority to the APRN.

(b) Nothing in this section shall preclude a registered nurse, a licensed practical nurse, or an APRN from carrying out the prescribed medical orders of a licensed dentist, physician, osteopath, or podiatrist licensed in accordance with chapter 448, 453, or 463E, HRS, or the orders of a licensed APRN granted prescriptive authority in accordance with this chapter.

(c) Nothing in this chapter shall require a certified registered nurse anesthetist to have prescriptive authority under this chapter in order to provide anesthesia care. [Eff 12/27/10; am and comp 3/28/13; am and comp 10/27/18; comp]
(Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

§16-89-121 Repealed. [R 3/28/13]

§16-89-122 Exclusionary formulary for prescriptive authority. (a) The board shall determine the drugs or categories of drugs listed in the exclusionary formulary. The current exclusionary formulary dated August 2016, attached at the end of this chapter as "Exhibit A", lists the drugs or categories of drugs that shall not be prescribed by the APRN.

(b) The [Exclusionary Formulary] exclusionary formulary, and any revised formularies, shall be made available to licensed pharmacies at the request of the pharmacy at no cost.

(c) The APRN shall comply with all applicable state and federal laws and rules relating to prescribing and administering of drugs. The APRN with prescriptive authority shall only prescribe, order, and dispense medical devices and equipment or drugs

appropriate to the APRN's specialty and pursuant to HRS section 457-8.6.

(d) Prescriptions by an APRN with prescriptive authority shall be written in accordance with section 16-95-82. [Eff 12/27/10; am and comp 3/28/13; am and comp 10/27/18; am and comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

§16-89-123 Prescriptive authority renewal for

APRN. (a) Prescriptive authority for each APRN shall expire on June 30 of every odd-numbered year and shall be renewed biennially. At the time of renewal, each APRN seeking renewal of prescriptive authority shall certify under oath that the licensee has completed the thirty hours of continuing education, of which **twenty-two** hours shall be in the APRN's practice specialty and eight hours in pharmacology, within the last two years preceding the APRN renewal and has a current national certification in their practice specialty. The APRN shall also satisfy the renewal requirements for APRN license pursuant to section 16-89-87. The board **may conduct a random audit** to determine compliance with the prescriptive authority renewal requirements. 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 the following documentation verifying compliance:

- (1) Evidence of current national certification in the nursing practice specialty by a board-recognized national certifying body; and
- (2) Documentation of successful completion, during the prior biennium, of thirty contact hours of appropriate continuing education as determined by the board in the practice specialty area, eight contact hours of which shall be in pharmacology, including pharmacotherapeutics, related to the APRN's clinical practice specialty area, approved

by board-recognized national certifying bodies, the American Nurses Association, the American Medical Association, or accredited colleges or universities. Documentation of successful completion of continuing education required for recertification by a recognized national certifying body, earned within the current renewal biennium, may be accepted in lieu of the thirty hours of continuing education required for renewal.

(b) Failure, neglect, or refusal to renew the prescriptive authority by a recognized APRN on or before June 30 of each odd-numbered year shall result in automatic forfeiture of prescriptive authority. Failure of the APRN to renew prescriptive authority shall cause the APRN prescriptive authority to forfeit on the day after the expiration date. The APRN shall not prescribe until prescriptive authority has been restored. Renewal application deadlines shall be as established by the board. Prescriptive authority may be restored within six months from the date of forfeiture, provided the restoration application is in compliance with subsection (a), and is submitted with an additional payment of a restoration fee. Failure to restore within the time frame provided shall constitute an automatic termination of the prescriptive authority. Thereafter, to be eligible for prescriptive authority, the applicant shall meet the requirements of section 16-89-119.

(c) Any APRN subject to this chapter who fails to renew ~~his or her~~ the prescriptive authority and continues to practice as an APRN with prescriptive authority shall be considered an illegal practitioner and shall be subject to penalties provided for by law. [Eff 12/27/10; am and comp 3/28/13; am and comp 10/27/18; am and comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

§16-89-124 Encumbered license. Encumbrances based on disciplinary action ordered by the board to

be imposed on an APRN with prescriptive authority shall also be placed on the APRN license, RN license, and practical nurse license held by that nurse in this State. Any encumbrance on a RN license shall automatically and similarly affect any other nursing license, or prescriptive authority held by that RN. [Eff 12/27/10; comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

§16-89-125 Discipline; grounds; proceedings.

(a) In addition to any other actions authorized by law, the board shall have the power to deny, revoke, limit, condition, or suspend prescriptive authority granted, in accordance with this chapter, and to fine or to otherwise discipline an APRN with prescriptive authority for any cause authorized by law, including but not limited to the following:

- (1) Violation of this chapter;
- (2) Violation of chapter 457, HRS, or chapter 16-89;
- (3) Violation of any applicable state statutes and rules or federal laws or regulations;
- (4) Fraud, deceit, misrepresentation in procuring or attempting to procure a license to practice nursing as an APRN with prescriptive authority;
- (5) Unprofessional conduct, including but not limited to:
 - (A) Prescribing, administering, dispensing, or distributing drugs listed in the exclusionary formulary, or not in accordance with state and federal laws and rules;
 - (B) Prescribing or administering drugs in an unsafe manner or not in accordance with acceptable and prevailing standards of practice;

- (C) Selling, purchasing, trading, or offering to sell, purchase, or trade any controlled substance drug sample;
- (D) Misusing the authority to prescribe drugs for other than therapeutic purposes; and
- (E) Failing to maintain current certification by a board recognized national certifying body in the nursing practice specialty.

(b) In addition to subsection (a), the board may impose one or more of the following requirements as a condition for an APRN prescriptive authority:

- (1) Physical and mental evaluation of the APRN by a physician currently licensed under chapter 453, HRS;
- (2) Probation, including such conditions as successful completion of the board of nursing diversion program which may include a rehabilitation program for alcohol or substance abuse as prescribed in chapter 16-89; and
- (3) Limitation of the practice in any reasonable manner to assure the safety and welfare of the consuming public. [Eff 12/27/10; am and comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

SUBCHAPTER 17

SCOPE OF NURSING PRACTICE AND STANDARDS OF CARE

§16-89-126 Scope of nursing practice. The board adopted the NCSBN Model Nursing Practice Act and Model Nursing Administrative Rules relating to the scope of nursing practice for licensed practical nurses,

registered nurses, and advanced practice registered nurses. Any modifications by the NCSBN to the scope of practice shall apply. [Eff 12/27/10; am and comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §§ 457-6.5, 457-8.6)

§16-89-128 Standards of care. The board adopted the NCSBN Model Nursing Practice Act and Model Nursing Administrative Rules relating to the standards care for licensed practical nurses, registered nurses, and advanced practice registered nurses. Any modifications by the NCSBN to the standards of care shall apply. [Eff 12/27/10; am and comp 3/28/13; am and comp 10/27/18; comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §§ 457-6.5, 457-8.6)

SUBCHAPTER 18

LICENSE ACTIVATION

§16-89-131 Purpose. The purpose of this subchapter is to increase consumer safety by establishing activation requirements for registered and practical nurses who wish to activate their an inactive licenses, license but who have not practiced nursing more than five years in the U.S or its territories. [Eff 12/27/10 comp 3/28/13; am and comp 10/27/18; am and comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

§16-89-132 Prerequisite for activation of inactive licenses. (a) This section shall apply to a registered or a licensed practical nurse applying to activate the nurse's license which has been inactive for more than five years, and who has not practiced in the U.S. or a U.S. territory during that period, and is ordered by the board to verify continuing competency.

(b) The nurse shall be required to:

- (1) Submit an application prescribed by the board with the required fee(s); and
- (2) Retake and pass the NCLEX-RN or NCLEX-PN, whichever is applicable; or
- (3) Successfully complete a refresher course which must first be approved by the board. The course shall consist of at least sixty clock hours of didactic and sixty clock hours of clinical practice recognized by an approved provider and designed for the practical nurse or registered nurse who is returning to practice after more than five years absence from nursing practice. The nurse shall submit appropriate documentation to verify successful completion of the refresher course.

(c) The nurse shall not practice nursing, represent the nurse to be a registered nurse or a licensed practical nurse currently licensed to actively practice nursing, verbally or in writing, or in any way imply that the nurse holds a current active license, until the nurse's license is activated by the board.

(d) The following units of measurement shall be used in calculating continuing education hours. Should the units of measurement change, the board shall note the change in its minutes until such time that its rules can be amended:

- (1) 1 contact hour = 60 minutes of instruction;
- (2) 1 contact hour = 60 minutes of clinical or laboratory practice in an informal offering or a minimum of fifty minutes of actual organized instruction;

- (3) 1 continuing education unit (CEU) = 10 contact hours of instruction;
- (4) 1 continuing medical education unit (CME) = 1 contact hour of instruction;
- (5) Academic credit will be converted to contact hours as follows:
 - (A) One quarter academic credit equals 12.5 contact hours; or
 - (B) One semester academic credit equals 15 contact hours.
- (6) Contact hour equivalencies shall be as follows:
 - (A) 1 continuing education unit = 10 contact hours.
 - (B) 1 continuing medical education credit = 60 minutes; or
 - (C) 1 American Medical Association credit = 60 minutes;

(e) The board may grant a waiver from activation requirements as provided in subsection (b) to a registered nurse or practical nurse if the nurse qualifies under one of the following and provides documents verifying that the nurse:

- (1) Was enrolled full time in the past two or more years in a nursing program recognized by the board leading to an associate degree, diploma, baccalaureate, or masters degree in nursing science; or
- (2) Was or is a U.S. government employee who worked or is working outside the U.S. as a practical nurse or registered nurse or is assigned to active military duty outside the United States as a nurse during the entire reporting period. The nurse shall submit evidence satisfactory to the board of nursing practice while in government service or active duty with the military.

(f) A waiver provides for an extension of time or exemption from some or all of the activation requirements. Any nurse who wishes to activate ~~his~~ an inactive license may request an application for a waiver from the board. The board shall approve

or deny an application for waiver after its review of a completed application and supporting documents as requested by the board. The board shall not grant a waiver from activation requirements for more than one biennium, unless there are unusual circumstances including, but not limited to, a national emergency.

(g) The board shall activate the inactive license to active status when the nurse has completed all requirements to the satisfaction of the board.

(h) If requested by the board, the nurse shall submit legible copies of documents which may include, but are not ~~be~~ limited to, certificates of completion of continuing education offerings, transcripts of courses taken, course descriptions, and the name, telephone number and mailing address of the nurse's employer to verify registered or practical nursing practice. The board may require the nurse to submit a job description to verify the nurse's employment in a nursing position which meets the board's requirements.

(i) If the nurse is required by the board to submit the required documents within a specific, time frame the board may grant an extension of time on a case-by-case basis in cases of hardship beyond the nurse's control. The nurse shall submit a written request for an extension of time and provides justification for the request." [Eff 12/27/10; am and comp 3/28/13; am and comp 10/27/18; am and comp] (Auth: HRS §§26-9(k), 436B-4, 436B-7) (Imp: HRS §457-8.6)

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material except source notes and other notes, is underscored.

3. Additions to update source notes and other notes to reflect these amendments to sections are not bracketed, struck through, or underscored.

4. These amendments to and compilation of chapter 16-89, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on M DD, YYYY and filed with the Office of the Lieutenant Governor.

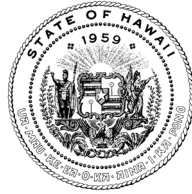
NADINE Y. ANDO
Director of Commerce and
Consumer Affairs

APPROVED AS TO FORM:

Shari Wong
Deputy Attorney General

DAVID Y. IGE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



CATHERINE P. AWAKUNI COLÓN
DIRECTOR

CELIA C. SUZUKI
LICENSING ADMINISTRATOR

BOARD OF NURSING

STATE OF HAWAII
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

P.O. Box 3469
HONOLULU, HAWAII 96801
cca.hawaii.gov/pvl

August 2016

EXCLUSIONARY FORMULARY FOR ADVANCED PRACTICE REGISTERED NURSES GRANTED PRESCRIPTIVE AUTHORITY FOR CONTROLLED SUBSTANCES

2016 Legislation:

At its August 4, 2016 meeting, the Board of Nursing (“Board”) amended the exclusionary formulary for Advanced Practice Registered Nurses with prescriptive authority based on the following amended laws:

- **Act 183, SLH 2016 Relating to Advanced Practice Registered Nurses.** One of the amendments in this measure clarifies that an APRN with prescriptive authority may dispense non-controlled substances, in addition to manufacturers’ prepackaged samples of over the counter drugs, to patients under their care.
- **Act 230, SLH 2016 Relating to Medical Marijuana.** One of the amendments in this measure allows APRNs with prescriptive authority and who are registered with the Department of Public Safety, Narcotics Enforcement Division, to qualify their patient(s) for medical marijuana pursuant to the Medical Marijuana Program under the Department of Health. Go to health.hawaii.gov/medicalmarijuana/ for updated information on this program and its requirements.
- **Act 92, SLH 2016 Relating to the Joint Formulary Advisory Committee.** The Joint Formulary Advisory Committee (“JFAC”) was repealed allowing the Board of Nursing the authority to determine the applicable formulary or exclusionary formulary for APRNs with prescriptive authority.

Drugs that may be prescribed and administered by an APRN with prescriptive authority:

An APRN with prescriptive authority may prescribe and administer the following drugs within their specialty and for which drugs that are not excluded in this formulary.

- Over-the-counter drugs;
- Legend (non-controlled substances) drugs; and
- Controlled substances

Drugs that may be requested, received, and dispensed by an APRN with prescriptive authority:

An APRN with prescriptive authority may request, receive, and dispense the following drugs within their specialty and for which drugs that are not excluded in this formulary:

- Manufacturers' prepackaged samples of over-the-counter drugs; and
- Non-controlled legend drugs

Exclusionary Formulary:

The exclusionary formulary that an APRN with prescriptive authority shall NOT prescribe, administer or dispense, shall consist of:

- Investigational drugs except as part of an IRB-approved clinical trial;
- Stimulants and hormones for treatment of obesity;
- Human Growth hormones, anabolic steroids, or hormones for performance enhancement or decreasing the impact of aging;
- Methadone for maintenance or detoxification of a narcotic-dependent person as restricted in HRS 329-121; and
- Medical marijuana as restricted in HRS section 329-121 (*see below: Medical Marijuana*).

Medical Marijuana:

An APRN with prescriptive authority who is also registered with the Hawaii State Department of Public Safety, Narcotics Enforcement Division may certify/qualify his/her patient for medical marijuana if:

- The qualifying patient has been diagnosed by the APRN as having a debilitating medical condition;
- The APRN has certified in writing that in the APRN's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the particular qualifying patient; and
- The amount of marijuana possessed by the qualifying patient does not exceed an adequate supply.

The APRN with prescriptive authority accepts full responsibility, accountability, and obligation to practice in accordance with APRN standards and functions as defined by the scope of practice/role definition statements for the APRN's category and specialty. The scope and standards shall include the statutes and rules established by the Board, the standards of the national certifying body, recognized by the Board, by which the APRN is currently certified, standards of the National Council of State Boards of Nursing Model Act and Rules, and generally accepted standards of practice in prescribing Schedules II to V, including that of the U.S. Drug Enforcement Agency, the Department of Public Safety, Narcotics Enforcement Division and other applicable state and federal laws and regulations and this Exclusionary Formulary.

V. Administrative Matters

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Update and Discussion on Becker Communications Inc., regarding the Board's Small Business Outreach – *No Attachment*
2. Presentations to Industry Associations – *No Attachment*
3. Staff's Small Business Outreach – *No Attachment*

VI. Legislative Matters

A. Update on the following legislative matters:

- 1. House Bill 2354 HD1 SD1 “Relating to the Small Business Regulatory Review Board”** – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners
- 2. Senate 2974 SD2 HD1 “Bill Relating to Economic Development”** – Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii’s general economic competitiveness and business climate, including by mitigating regulatory and tax burdens; requires a report to the legislature

HB2354 HD1 SD2



Measure Title: RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD.

Report Title: Small Business Regulatory Review Board; Legislation; Small Business

Description: Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to requests from small business owners. Takes effect 4/14/2112. (SD2)

Companion: [SB3043](#)



Package: Governor

Current Referral: EET, JDC

Introducer(s): SAIKI (Introduced by request of another party)

Sort by Date Status Text

4/9/2024	H	Returned from Senate (Sen. Com. No. 585) in amended form (SD 2).
4/9/2024	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 24; Aye(s) with reservations: none . Noes, 0 (none). Excused, 1 (Senator(s) Ihara). Transmitted to House.
4/5/2024	S	48 Hrs. Notice 04-09-24.
4/5/2024	S	Reported from JDC (Stand. Com. Rep. No. 3721) with recommendation of passage on Third Reading, as amended (SD 2).
4/4/2024	S	The committee(s) on JDC recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in JDC were as follows: 4 Aye(s): Senator(s) Rhoads, Gabbard, Elefante, San Buenaventura; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Awa.
3/27/2024	S	The committee(s) on JDC will hold a public decision making on 04-04-24 10:00AM; Conference Room 016 & Videoconference.
3/20/2024	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to JDC.
3/20/2024	S	Reported from EET (Stand. Com. Rep. No. 3147) with recommendation of passage on Second Reading, as amended (SD 1) and referral to JDC.
3/14/2024	S	The committee(s) on EET recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in EET were as follows: 4 Aye(s): Senator(s) DeCoite, Wakai, Fukunaga, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Kim.

3/11/2024	S	The committee(s) on EET has scheduled a public hearing on 03-14-24 1:01PM Conference Room 229 & Videoconference.	
3/7/2024	S	Referred to EET, JDC.	
3/1/2024	S	Passed First Reading.	
3/1/2024	S	Received from House (Hse. Com. No. 45).	
2/29/2024	H	Passed Third Reading with none voting aye with reservations; none voting no (0) and Representative(s) Cochran, Holt excused (2). Transmitted to Senate.	
2/29/2024	H	Reported from JHA (Stand. Com. Rep. No. 735-24), recommending passage on Third Reading.	
2/16/2024	H	The committee on JHA recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 7 Ayes: Representative(s) Tarnas, Evslin, Ganaden, Ichiyama, Ilagan, Kong, Miyake; Ayes with reservations: none; Noes: none; and 3 Excused: Representative(s) Takayama, Holt, Souza.	
2/14/2024	H	Bill scheduled to be heard by JHA on Friday, 02-16-24 2:00PM in House conference room 325 VIA VIDEOCONFERENCE.	
2/12/2024	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on JHA with none voting aye with reservations; none voting no (0) and Representative(s) Amato, Lowen, Nakashima, Quinlan, Todd excused (5).	
2/12/2024	H	Reported from ECD (Stand. Com. Rep. No. 236-24) as amended in HD 1, recommending passage on Second Reading and referral to JHA.	
2/7/2024	H	The committee on ECD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Holt, Lamosao, Hussey-Burdick, Kong, Nakamura, Quinlan, Pierick; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) La Chica.	
2/2/2024	H	Bill scheduled for decision making on Wednesday, 02-07-24 10:30AM in conference room 423 VIA VIDEOCONFERENCE.	
2/2/2024	H	The committee(s) on ECD recommend(s) that the measure be deferred.	
1/30/2024	H	Bill scheduled to be heard by ECD on Friday, 02-02-24 10:30AM in House conference room 423 VIA VIDEOCONFERENCE.	
1/26/2024	H	Referred to ECD, JHA, referral sheet 3	
1/24/2024	H	Introduced and Pass First Reading.	
1/22/2024	H	Pending introduction.	

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

HB2354 HD1 SD2



SB2974 SD2 HD1



Measure Title: RELATING TO ECONOMIC DEVELOPMENT.

Report Title: DBEDT; Task Force; Business Revitalization; Report to Legislature

Description: Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawai'i's general economic competitiveness and business climate, including the mitigation of regulatory and tax burdens. Requires a report to the Legislature. Effective 7/1/3000. (HD1)

Companion:



Package: None

Current Referral: ECD, FIN

Introducer(s): DECOITE, CHANG, FEVELLA, HASHIMOTO, KIDANI, MCKELVEY, Inouye, Moriwaki, Wakai

Sort by Date Status Text

4/9/2024	H	Received notice of disagreement (Sen. Com. No. 670).
4/9/2024	S	Senate disagrees with House amendments.
4/9/2024	S	Received from House (Hse. Com. No. 680).
4/5/2024	H	Passed Third Reading with Representative(s) Hussey-Burdick voting aye with reservations; Representative(s) Kapela voting no (1) and Representative(s) Souza excused (1). Transmitted to Senate.
4/5/2024	H	Reported from FIN (Stand. Com. Rep. No. 1794-24), recommending passage on Third Reading.
4/2/2024	H	The committee on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 15 Ayes: Representative(s) Yamashita, Kitagawa, Aiu, Chun, Cochran, Garrett, Kahaloa, Kila, Lamosao, Morikawa, Nishimoto, Poepoe, Takenouchi, Alcos, Ward; Ayes with reservations: none; 0 Noes: none; and 1 Excused: Representative(s) Kobayashi.
3/29/2024	H	Bill scheduled to be heard by FIN on Tuesday, 04-02-24 2:30PM in House conference room 308 VIA VIDEOCONFERENCE.
3/22/2024	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with Representative(s) Amato, Hussey-Burdick, Kapela, Perruso voting aye with reservations; none voting no (0) and Representative(s) Martinez, Nakashima, Quinlan excused (3).

3/22/2024	H	Reported from ECD (Stand. Com. Rep. No. 1288-24) as amended in HD 1, recommending passage on Second Reading and referral to FIN.	
3/19/2024	H	The committee on ECD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Holt, Lamosao, La Chica, Nakamura, Quinlan, Pierick; Ayes with reservations: Representative(s) Hussey-Burdick; Noes: none; and 1 Excused: Representative(s) Kong.	
3/14/2024	H	Bill scheduled to be heard by ECD on Tuesday, 03-19-24 10:00AM in House conference room 423 VIA VIDEOCONFERENCE.	
3/7/2024	H	Referred to ECD, FIN, referral sheet 16	
3/7/2024	H	Pass First Reading	
3/5/2024	H	Received from Senate (Sen. Com. No. 233) in amended form (SD 2).	
3/5/2024	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.	
3/1/2024	S	48 Hrs. Notice 03-05-24.	
3/1/2024	S	Reported from WAM (Stand. Com. Rep. No. 2912) with recommendation of passage on Third Reading, as amended (SD 2).	
2/28/2024	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 12 Aye(s): Senator(s) Dela Cruz, Moriwaki, Aquino, DeCoite, Hashimoto, Inouye, Kanuha, Kidani, Kim, Lee, Wakai, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Shimabukuro.	
2/23/2024	S	The committee(s) on WAM will hold a public decision making on 02-28-24 10:01AM; Conference Room 211 & Videoconference.	
2/16/2024	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	
2/16/2024	S	Reported from EET (Stand. Com. Rep. No. 2522) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.	
2/13/2024	S	The committee(s) on EET recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in EET were as follows: 5 Aye(s): Senator(s) DeCoite, Wakai, Fukunaga, Kim, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.	
2/9/2024	S	The committee(s) on EET has scheduled a public hearing on 02-13-24 1:20PM; Conference Room 229 & Videoconference.	
1/26/2024	S	Referred to EET, WAM.	
1/24/2024	S	Passed First Reading.	
1/24/2024	S	Introduced.	

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** =
Constitutional Amendment



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SB2974 SD2 HD1