
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO AMEND TITLE 12, CHAPTER 15, HAWAII ADMINISTRATIVE RULES, TO CLARIFY THAT COMPENSATION FOR ADVANCED PRACTICE REGISTERED NURSES UNDER THE STATE'S WORKERS' COMPENSATION LAW IS DISTINCT FROM COMPENSATION FOR REGISTERED NURSES AND SHALL BE ONE HUNDRED PERCENT OF THE FEES AUTHORIZED UNDER THE MEDICARE FEE SCHEDULE.

1 WHEREAS, in Hawaii, advanced practice registered nurses are
2 primary care providers whose scope of practice exceeds the scope
3 of practice of registered nurses; and

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5 WHEREAS, title 12, chapter 15, of the Hawaii Administrative
6 Rules (HAR) sets forth the State's Workers' Compensation
7 Medicare Fee Schedule and rules relating to allowable fees; and

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9 WHEREAS, advanced practice registered nurses are covered
10 under the definitions of "health care provider" and "physician"
11 for purposes of the State's Workers' Compensation Law, as set
12 forth in section 386-1, Hawaii Revised Statutes (HRS), and
13 section 12-15-1, HAR; and

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15 WHEREAS, the care, services, and supplies rendered or
16 furnished by an advanced practice registered nurse fall within
17 the definition of "medical care", "medical services", or
18 "medical supplies" for purposes of the Workers' Compensation Law
19 and, because an advanced practice registered nurse is required
20 to register with the Department of Commerce and Consumer
21 Affairs, an advanced practice registered nurse also meets the
22 definition of a "provider of service" under section 12-15-1,
23 HAR; and

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1 WHEREAS, section 12-15-36, HAR, sets forth fees for
2 assistants to providers of service, not providers of service;
3 and

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5 WHEREAS, section 12-15-36(b), HAR, includes within the
6 category of assistants to providers of service registered nurses
7 as recognized pursuant to chapter 457, HRS, whose fees are
8 limited to eighty-five percent of the fees authorized by section
9 12-15-90, HAR; and

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11 WHEREAS, because advanced practice registered nurses are
12 distinct from registered nurses and considered health care
13 providers, physicians, and providers of service for purposes of
14 the State's Workers' Compensation Law, they should be entitled
15 to receive one hundred percent of the fees authorized under the
16 Medicare Fee Schedule; and

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18 WHEREAS, however, section 12-15-36(b), HAR, does not
19 specifically address or distinguish advanced practice registered
20 nurses from registered nurses, which could cause confusion over
21 the workers' compensation fees to which advanced practice
22 registered nurses are entitled; and

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24 WHEREAS, the Director of Labor and Industrial Relations is
25 authorized under section 386-72, HRS, to make rules necessary
26 for the proper application and enforcement of the Workers'
27 Compensation Law; and

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29 WHEREAS, section 12-15-36(b), HAR, should be amended to
30 acknowledge the distinction between advanced practice registered
31 nurses and registered nurses and remove any potential confusion
32 concerning the fees to which advanced practice registered nurses
33 are entitled in the context of workers' compensation cases; now,
34 therefore,

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36 BE IT RESOLVED by the House of Representatives of the
37 Thirty-second Legislature of the State of Hawaii, Regular
38 Session of 2024, the Senate concurring, that the Director of
39 Labor and Industrial Relations is requested to amend title 12,
40 chapter 15, Hawaii Administrative Rules, to clarify that
41 compensation for advanced practice registered nurses under the
42 State's Workers' Compensation Law is distinct from compensation



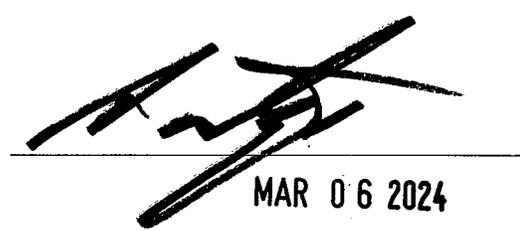
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1 for registered nurses and shall be one hundred percent of the
2 fees authorized under the Medicare Fee Schedule; and

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BE IT FURTHER RESOLVED that a certified copy of this
Concurrent Resolution be transmitted to the Director of Labor
and Industrial Relations.

OFFERED BY: _____



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