JOSH GREEN M.D. LT. GOVERNOR





STATE OF HAWAII DEPARTMENT OF TAXATION P.O. BOX 259 HONOLULU, HAWAII 96809 PHONE NO: (808) 587-1540 FAX NO: (808) 587-1560

То:	The Honorable Jarrett Keohokalole, Chair; The Honorable Rosalyn H. Baker, Vice Chair; and Members of the Senate Committee on Health
	The Honorable Rosalyn H. Baker, Chair; The Honorable Stanley Chang, Vice Chair; and Members of the Senate Committee on Commerce and Consumer Protection
From:	Isaac W. Choy, Director Department of Taxation
Date:	February 16, 2021
Time:	9:00 A.M.
Place:	Via Video Conference, State Capitol

#### Re: S.B. 620, Relating to Advanced Practice Registered Nurses

The Department of Taxation (Department) offers the following comments on S.B. 620 for your consideration.

As it relates to taxation, S.B. 620 allows an advanced practice registered nurse licensed under Hawaii Revised Statutes (HRS) chapter 457 to determine whether a taxpayer is a "person totally disabled" as defined under HRS section 235-1. This measure is effective upon approval.

The Department is able to administer this measure as currently written. Thank you for the opportunity to provide comments on this measure.



#### Written Testimony Presented Before the COMMITTEE ON HEALTH and COMMITTEE ON COMMERCE AND CONSUMER PROTECTION DATE: Tuesday, February 16, 2021 TIME: 9:00 am. PLACE: VIA VIDEOCONFERENCE By Laura Reichhardt, APRN, AGPCNP-BC Director, Hawai'i State Center for Nursing University of Hawai'i at Mānoa

#### Testimony in Strong Support with Amendments for SB620

Chairs Keohokalole and Baker, Vice Chairs Baker and Chang, and members of the Senate Committees on Health and Commerce and Consumer Protection, thank you for the opportunity for the Hawai'i State Center for Nursing to provide testimony in **strong support of this measure with amendments**. This measure seeks to enable APRNs to determine total disability under the income tax code, authorizes advanced practice registered nurses to make capacity determinations, and adds advanced practice registered nurses as primary providers in advance mental health care directives.

The Hawai'i State Center for Nursing APRN Policy and Practice Taskforce, a group of APRNs leaders practicing across the islands, identified the statutes included in this measure as true barriers to providing care to their patients. Further, this measure aims to reduce barriers that exist because of well documented physician shortages by permitting our readily-available APRN workforce to engage in these activities, in accordance with their education, training, and licensure.

Advanced Practice Registered Nurses have more than doubled in Hawai'i between 2005 and 2017, with continued growth since that period. At this time, nearly 1,300 licensed APRNs reside in Hawai'i. APRNs are noted in national research to be more likely to provide care to underserved people and communities including rural areas, urban areas, to women, and to Medicaid recipients or uninsured people (Buerhaus et al., 2014). Currently, there are practicing APRNs in all regions of Hawai'i with more than 25% of Hawai'i's APRNs are working in rural areas (Hawai'i State Center for Nursing, 2017). Further, the majority of APRNs working in the Counties of Hawai'i, Maui, and Kaua'i work in federally designated medically underserved areas.

The mission of the Hawai'i State Center for Nursing is that through collaborative partnerships, the Center provides accurate nursing workforce data for planning, disseminates nursing knowledge to support excellence in practice and leadership development; promotes a diverse workforce and advocates for sound health policy to serve the changing health care needs of the people of Hawai'i.

As it related to scope of practice, in 2009, with the Legislature's great wisdom and care for the people of this state, Hawai'i enacted laws which enabled APRNs to work to the full extent of their education, recognized APRNs as primary care providers, and granted Global Signature Authority. In 2013, the Legislature requested, through SR 34, SD2 SCR 66 SD2 & HCR53 HD1, that the Hawai'i State Center for Nursing convene a working group composed of various state agencies to identify barriers relating to the practice of APRNs. As a result, the Center for Nursing has worked with the Department of Commerce and Consumer Affairs, Department of Taxation, Department of Labor and Industrial Relations, and Department of Health, among others, to identify statutes that limit APRNs' ability to practice to the full extent of their education and training. In addition to this, through Act 46, SLH 2014, Hawai'i became the 8th state in the nation to adopt the national best practices for APRN regulation, the APRN Consensus Model, which states that licensure, accreditation, and certification combined provide guidance on an APRN's scope of practice.

Products of these efforts to improve access to care by APRNs include: Act 046, SLH 2014 which added APRNs to the list of providers who could provide a "certificate of disability" among other changes; Act 27, SLH 2015 which clarifies the role of advanced practice registered nurses in HRS sections relating to emergency hospital admission and involuntary hospitalization; and Act 088, SLH 2017, which, in part, allows advanced practice registered nurses to offer care and mental health services to patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers.

Hawai'i's laws for APRNs ensure public safety during patient care through authorized assessment, diagnosis, and prescriptive authority. APRNs have grown significantly in Hawai'i with APRNs providing care in all regions in the state where people live. The intent of this measure is to continue to address and remove APRN barriers to providing care, particularly as it relates to access to care for rural, neighbor island, and vulnerable people across the Hawaiian Islands.

The amendment that the Hawai'i State Center for Nursing seeks will add language into Chapter 457 to adopt provisions passed in section 3708 of the Federal Coronavirus, Aid, Relief and Economic Security Act (CARES ACT) which removed the federal barriers preventing select APRNs from documenting Medicare home health care face-to-face assessments as well as certifying and recertifying patient eligibility. Without this provision, patients who are currently benefitting from the federal authorization will only able to access this care during the State's emergency declaration period, particularly patients in rural areas and on neighbor islands. Permanent establishment of this authorization in the Hawai'i Revised Statutes is needed to ensure the changes made permanent in federal statute can be applied in our state.

The Hawai'i State Center for Nursing urges you to pass this measure through your committee. Thank you for the dedication and care for healthcare workers and the people in Hawai'i.

The mission of the Hawai'i State Center for Nursing is that through collaborative partnerships, the Center provides accurate nursing workforce data for planning, disseminates nursing knowledge to support excellence in practice and leadership development; promotes a diverse workforce and advocates for sound health policy to serve the changing health care needs of the people of Hawai'i.

#### **Testimony of the Board of Nursing**

#### Before the Senate Committee on Health and Senate Committee on Commerce and Consumer Protection Tuesday, February 16, 2021 9:00 a.m. Via Videoconference

#### On the following measure: S.B. 620, RELATING TO ADVANCED PRACTICE REGISTERED NURSES

#### WRITTEN TESTIMONY ONLY

Chair Keohokalole, Chair Baker, and Members of the Committees:

My name is Lee Ann Teshima, and I am the Executive Officer of the Board of Nursing (Board). The Board appreciates the intent of and offers comments on this bill.

The purposes of this bill are to: (1) authorize advanced practice registered nurses (APRNs) to certify whether a person is totally disabled under the income tax code; (2) authorize APRNs to make capacity determinations; and (3) add APRNs as primary providers in advance mental health care directives.

The Board appreciates the bill's intent to remove barriers for the practice of APRNs and provide greater access to health care for Hawaii residents, especially those who reside in rural areas or on the neighbor islands.

For the Committee's information, APRNs are recognized as primary care providers who may practice independently based on their practice specialty, which includes psychiatric mental health. Under Hawaii Revised Statutes section 457-8.8, APRNs are "authorized to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients[.]" In addition, an APRN's education and training include, but are not limited to: (1) a graduate-level degree in nursing; (2) national certification that requires continuing education and training; and (3) passage of a national board examination.

Thank you for the opportunity to submit testimony on this bill.

#### Written Testimony Presented Before the Senate Committee on Health Hearing: February 16, 2021, 9:00 AM Via Videoconference

By Hawaiʻi – American Nurses Association (Hawaii-ANA)



#### SB620 – ADVANCED PRACTICE REGISTERED NURSES

Chair Jarrett Keohokalole, Vice Chair Rosalyn H. Baker, and members of the Senate Committee on Health, thank you for this opportunity to provide testimony **in strong support of SB620**.

This measure authorizes Advanced Practice Registered Nurses (APRNs) to certify a person as totally disabled under the income tax code. This measure improves on equitable access to care for consumers in Hawai'i who seek such designation.

In addition, APRNs are added as primary care providers to determine capacity in advance mental health care directives, in keeping with current recognition of APRNs who practice independently based on their practice specialty including psychiatric mental health.

Hawai'i-ANA recognizes and supports this opportunity to remove barriers from the practice of APRNs within their authorized scope of practice. APRNs have global signature authority pursuant to HRS Chapter 457-8.8. We agree with the Hawai'i Board of Nursing's on-going support for recognizing the broad scope of practice underpinned by education, clinical training, and experience, afforded to APRNs within each specialty recognized in HRS Chapter 457.

**Hawai'i-ANA respectfully requests that SB620 be passed through this committee.** Thank you for your continued support for measures that address the need for improving access to safe and effective healthcare provided by all primary healthcare providers in communities throughout Hawai'i.

Contact information for Hawai'i - American Nurses Association

President: Katie Kemp, BAN, RN-BC <u>president@hawaii-ana.org</u> Executive Director: Dr. Linda Beechinor, APRN-Rx, FNP-BC <u>executivedirector@hawaii-ana.org</u>

phone (808) 779-3001 500 Lunalilo Home Road, #27-E Honolulu Hawaiʻi USA 96825

### Hawai'i Association of Professional Nurses (HAPN)

To: The Honorable Senator Jarrett Keohokalole, Chair of the Senate Committee on Health; and Senator Baker, Chair of the Senate Committee on Commerce and Consumer Protection



From:Hawaii Association of Professional Nurses (HAPN)Subject:SB620 - Relating to Advanced Practice Registered Nurses

Hearing: February 16, 2021, 9:00a.m.

Aloha Senator Keohokalole, Chair; Senator Baker, Vice Chair; and Committee Members of the Senate Committee on Health; and Senator Baker, Chair; Senator Chang, Vice Chair; and Committee Members of the Senate Committee on Commerce and Consumer Protection,

Thank you for the opportunity to submit testimony regarding SB620. HAPN is in **Support** to include Advanced Practice Registered Nurses (APRN) with the ability to determine total disability, make capacity assessments for purposes of advanced mental health care directives, and adds us as primary care providers in advance mental health care directives.

Our members have shared stories about their experience and inability to complete wholistic care to our patients as these laws currently stand. We have members who work in our hospitals who are unable to assist in determination of mental capacity for potentially lifesaving measures. We also have members who practice and/or own their own clinic in our urban and rural communities who are unable to assist with determining total disability and completing advanced mental healthcare directives. We provide a wide variety of healthcare services to our communities. When we are able to work to the full extent of our education, training, and licensure we are able to practice as the primary care providers that we are.

To improve access to care by APRNs, the Legislature supported Act 046, SLH 2014 which added APRNs to the list of providers who could provide a "certificate of disability" among other changes; Act 27, SLH 2015 which clarifies the role of advanced practice registered nurses in HRS sections relating to emergency hospital admission and involuntary hospitalization; and Act 088, SLH 2017, which, in part, allows advanced practice registered nurses to offer care and mental health services to patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers.

HAPN's mission, to be the voice of APRNs in Hawaii, has been the guiding force that propelled us to spearhead the advancement of patients access to healthcare as well as supporting the recognition of the scope of practice for APRNs in Hawaii which led us to full practice authority. 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. As a result, the current law requires that a patient remove themselves from the excellent care their APRN has provided them over the years to discuss these issues with physicians who may not have the same patient-provider relationship. APRNs have played an important role in the healthcare of our communities and we will continue to be by our patients' side as they make many different healthcare decisions throughout their lives. The intent of this measure is to continue to address and remove APRN barriers to providing care, particularly as it relates to access to care for rural, neighbor island, and vulnerable people across the Hawaiian Islands.

Thank you for the opportunity to share the perspective of HAPN with your committee. Thank you for your enduring support of the nursing profession in the Aloha State.

Respectfully, Dr. Jeremy Creekmore, APRN HAPN President

Dr. Bradley Kuo, APRN HAPN Legislative Committee, Chair HAPN Past President

### Hawai'i Psychological Association

For a Healthy Hawai i

P.O. Box 833 Honolulu, HI 96808 www.hawaiipsychology.org

Phone: (808) 521 - 8995

COMMITTEE ON HEALTH Senator Jarret Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION Senator Rosalyn H. Baker, Chair Senator Stanley Chang, Vice Chair

Tuesday, February 16, 2021 - 9:00 am - Conference Room 229 - videoconference

#### Support of SB620 **RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

The Hawai'i Psychological Association (HPA) supports SB620, which allows Advanced Practice Registered Nurses (APRNs) to make capacity determinations, such as whether or not someone is disabled under the tax code or has the wherewithal to fill out advance care directives.

While HPA supports this bill, we would like to offer these comments to ensure the APRNs doing this work have the appropriate training. HPA believes that capacity determinations of mental health or psychiatric disability should only be done by *psychiatric* APRNs – and this should be made explicitly clear in legislation.

Nonetheless, HPA supports the ability of APRNs to make capacity determinations that are within the scope of their practice. We are happy to support efforts that ensure critical services like these are readily available and easily accessible. Having more providers, like qualified APRNs, will help achieve access to essential mental health care and treatment.

Thank you for the opportunity to provide input into this important bill.

Sincerely,

alex Victor, Ph.D.

Alex Lichton, Ph.D. Chair, HPA Legislative Action Committee



To: The Honorable Jarrett Keohokalole, Chair The Honorable Rosalyn Baker, Vice Chair Members, Senate Committee on Health

> The Honorable Rosalyn H. Baker, Chair The Honorable Stanley Chang, Vice Chair Members, Senate Committee on Commerce &Consumer Protection

From: Colette Masunaga, Director, External Affairs, The Queen's Health Systems

Date: February 16, 2021

Re: Support for SB620, Relating to Advanced Practice Registered Nurses

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 1,500 affiliated physicians and providers statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to testimony in support of SB620, which would allow APRNs to certify a total disability for income tax, be considered a primary provider, and determine competency for Advanced Mental Health Care Directives. Queen's supports this measure because we believe it is important that all qualified providers, like APRNs, are able to exercise their scope of practice and assist in these situations. There are currently about 120 APRNs working at Queen's and we expect this number to increase in order to meet the community need for services.

Mahalo for the opportunity to testify on this measure.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

#### <u>SB-620</u> Submitted on: 2/12/2021 2:14:16 PM Testimony for HTH on 2/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Buchner	Individual	Support	No

Comments:

Please support qualified APRNs in certifying whether a person is totally disabled under the income tax code.

<u>SB-620</u> Submitted on: 2/12/2021 3:08:30 PM Testimony for HTH on 2/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne Geesey	Individual	Support	No

Comments:

support, mahalo!

#### <u>SB-620</u> Submitted on: 2/12/2021 3:54:08 PM Testimony for HTH on 2/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Tessier	Individual	Support	No

Comments:

I support this bill which enables APRNs to perform a function for which they are fully qualified by education and licensure.

#### <u>SB-620</u>

Submitted on: 2/12/2021 4:02:21 PM Testimony for HTH on 2/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Scharnhorst	Individual	Support	No

Comments:

#### Written Testimony Presented Before the

## COMMITTEE ON HEALTH and COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

#### DATE: Tuesday, February 16, 2021 TIME: 9:00 am.

#### By Anne Scharnhorst, DNP, RN

#### **Testimony in Strong Support with Amendments for SB620**

Chairs Keohokalole and Baker, Vice Chairs Baker and Chang, and members of the Senate Committees on Health and Commerce and Consumer Protection, thank you for the opportunity for **Anne Scharnhorst** to provide testimony in **strong support of this measure with amendments**. This measure seeks to enable APRNs to determine total disability under the income tax code, authorizes advanced practice registered nurses to make capacity determinations, and adds advanced practice registered nurses as primary providers in advance mental health care directives.

The Hawai'i State Center for Nursing APRN Policy and Practice Taskforce, a group of APRNs leaders practicing across the islands, identified the statutes included in this measure as true barriers to providing care to their patients. Further, this measure aims to reduce barriers that exist because of well documented physician shortages by permitting our readily-available APRN workforce to engage in these activities, in accordance with their education, training, and licensure.

Advanced Practice Registered Nurses have more than doubled in Hawai'i between 2005 and 2017, with continued growth since that period. At this time, nearly 1,300 licensed APRNs reside in Hawai'i. APRNs are noted in national research to be more likely to provide care to underserved people and communities including rural areas, urban areas, to women, and to Medicaid recipients or uninsured people (Buerhaus et al., 2014). Currently, there are practicing APRNs in all regions of Hawai'i with more than 25% of Hawai'i's APRNs are working in rural areas (Hawai'i State Center for Nursing, 2017). Further, the majority of APRNs working in the Counties of Hawai'i, Maui, and Kaua'i work in federally designated medically underserved areas.

As it related to scope of practice, in 2009, with the Legislature's great wisdom and care for the people of this state, Hawai'i enacted laws which enabled APRNs to work to the full extent of their education, recognized APRNs as primary care providers, and granted Global Signature Authority. In 2013, the Legislature requested, through SR 34, SD2 SCR 66 SD2 & HCR53 HD1, that the Hawai'i State Center for Nursing convene a working group composed of various state agencies to identify barriers relating to the practice of APRNs. As a result, the Center for Nursing has worked with the Department of Commerce and Consumer Affairs, Department of Taxation, Department of Labor and Industrial Relations, and Department of Health, among others, to identify statutes that limit APRNs' ability to practice to the full extent of their education and training. In addition to this, through Act 46, SLH 2014, Hawai'i became the 8th state in the nation to adopt the national best practices for APRN regulation, the APRN Consensus Model, which states that licensure, accreditation, and certification combined provide guidance on an APRN's scope of practice.

Products of these efforts to improve access to care by APRNs include: Act 046, SLH 2014 which added APRNs to the list of providers who could provide a "certificate of disability" among other changes; Act 27, SLH 2015 which clarifies the role of advanced practice registered nurses in HRS sections relating to emergency hospital admission and involuntary hospitalization; and Act 088, SLH 2017, which, in part, allows advanced practice registered nurses to offer care and mental health services to patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers.

Hawai'i's laws for APRNs ensure public safety during patient care through authorized assessment, diagnosis, and prescriptive authority. APRNs have grown significantly in Hawai'i with APRNs providing care in all regions in the state where people live. The intent of this measure is to continue to address and remove APRN barriers to providing care, particularly as it relates to access to care for rural, neighbor island, and vulnerable people across the Hawaiian Islands.

The amendment that I, Anne Scharnhorst, seeks will add language into Chapter 457 to adopt provisions passed in section 3708 of the Federal Coronavirus, Aid, Relief and Economic Security Act (CARES ACT) which removed the federal barriers preventing select APRNs from documenting Medicare home health care face-to-face assessments as well as certifying and recertifying patient eligibility. Without this provision, patients who are currently benefitting from the federal authorization will only able to access this care during the State's emergency declaration period, particularly patients in rural areas and on neighbor islands. Permanent establishment of this authorization in the Hawai'i Revised Statutes is needed to ensure the changes made permanent in federal statute can be applied in our state.

I urge you to pass this measure through your committee. Thank you for the dedication and care for healthcare workers and the people in Haw

#### <u>SB-620</u> Submitted on: 2/12/2021 10:13:44 PM Testimony for HTH on 2/16/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy Thornett	Individual	Support	No

Comments:

I support this bill. It will increase access to psychiatric evaluation by quality providers and promote the increased adoption of mental health advanced directives.





Daniel Ross, RN President

Gary Nuber Director of Field Services

3375 Koapaka Street Suite B217 Honolulu, HI 96819

> Tel: (808) 531-1628 Fax: (808) 524-2760

February 14, 2021

Chair Keohokalole, Vice Chair Baker, and the members of the Committee on Health.

Chair Baker, Vice Chair Chang, and the members of the Committee on Commerce and Consumer Protection.

Thank you for this opportunity to provide written testimony in strong support of SB 620.

SB 620 authorizes Advanced Practice Registered Nurses (APRNs) to certify a person as totally disabled under the income tax code. In addition, APRNs are added as primary care providers to determine capacity for advance mental health care directives.

This bill will improve access to care for Hawaii consumers.

Hawaii Nurses Association supports this opportunity to remove barriers from the practice of APRNs within their authorized scope of practice.

Hawaii Nurses Association respectfully requests that SB 620 be passed.

Aloha,

In Aln

Daniel Ross President HNA, OPEIU Local 50





Daniel Ross, RN President

Gary Nuber Director of Field Services

3375 Koapaka Street Suite B217 Honolulu, HI 96819 Tel: (808) 531-1628 Fax: (808) 524-2760

February 14, 2021

Chair Johanson, Vice Chair Kitagawa, and the members of the House Committee on Consumer Protection and Commerce, thank you for this opportunity to provide written testimony **in strong support of HB302.** 

HB302 authorizes Advanced Practice Registered Nurses (APRNs) to certify a person as totally disabled under the income tax code. In addition, APRNs are added as primary care providers to determine capacity for advance mental health care directives.

This bill will improve access to care for Hawaii consumers.

Hawaii Nurses Association supports this opportunity to remove barriers from the practice of APRNs within their authorized scope of practice.

# Hawaii Nurses Association respectfully requests that HB302 be passed.

Aloha,

Daniel Ross President HNA



Submitted By	Organization	Testifier Position	Present at Hearing
Susan Pcola_Davis	Individual	Oppose	No

Comments:

I oppose increasing any APRNs scope of practice.

I strongly OPPOSE this bill that will increase Advanced Practice Registered Nurses (APRNs) performing scope of practice usually reserved for physicians.

In the past, I have provided testimony that doesn't support any increased privileges for APRNs. If they are considered Primary Care providers then their designation SHOULD BE MD.

Even though, certain sections of existing law have not been amended to include advanced practice registered nurses there are questions to the expansion of their scope of practice.

These statutes **SHOULD NOT BE EXPANDED** to authorize increased participation by advanced practice registered nurses **NOR** to recognize appropriately trained advanced practice registered nurses as the primary care providers that they are.

There is **NO SUPPORTING EVIDENCE OR DATA** that by authorizing increased participation by APRNs in certain circumstances will further enable improved access to health care services, expedite the processing of paperwork, and provide optimal care at the initial point of access for Hawaii patients, or evidence of "especially in rural and medically underserved areas."

Leave the diagnosis of mental illness for Psychiatrists and Psychologists trained in the use of DSMR5. They alone have the education and expertise to diagnosis, not APRNs,