



**Written Testimony Presented Before the
Senate Committee on Health
and
Senate Committee on Commerce and Consumer Protection
Tuesday, April 19, 2022 at 10:00 am
by
Laura Reichhardt, MS, AGNP-C, APRN
Director, Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

**COMMENTS ON HCR139, HD1/ REQUESTING THE DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS TO CONDUCT AN ANALYSIS
REGARDING THE SCOPES OF PRACTICE FOR ADVANCED PRACTICE
REGISTERED NURSES AND PHYSICIAN ASSISTANTS**

Chairs Keohokalole and Baker, Vice Chairs Baker and Chang, members of the Senate Committee on Health, and members of the Senate Committee on Commerce and Consumer Protection, thank you for the opportunity to provide comments on this resolution, HCR 139, HD1 which requests the department of commerce and consumer affairs to conduct an analysis regarding the scopes of practice for advanced practice registered nurses and physician assistants.

This resolution recognizes there is a physician shortage and that advanced practice registered nurses are vital health care professionals who are capable of helping to fill unmet healthcare needs in Hawai'i. The work of the Hawai'i/Pacific Basin Area Health Education Center (AHEC), in collaboration with the Hawai'i State Center for Nursing and I Ola Lāhui, also found in 2019 that there were considerable workforce shortages for other professions. At that time, in addition to needing over 500 physicians, the state needed nearly 400 Advanced Practice Registered Nurses, over 200 Physician Assistants, over 250 Psychologists, and over 770 Social Workers. COVID effects on the workforce, coupled with expected and early retirements and departures, has diminished the available workforce even further as well as increased the demand for healthcare professionals.¹

Hawai'i aligned to the national standard for APRN scope of practice with legislation enacted in 2009 through 2014. These acts established the APRN scope of practice that APRNs abide by and practice within today. Nationally, establishing full scope of practice authority leads to the fastest growth in nurse practitioners into a state²; in Hawai'i, we saw a 75% growth between

¹ Hawaii Pacific Basin Area Health Education Center, Hawaii State Center for Nursing, & I Ola Lahui. (2019). *The Shortage of Providers in Hawaii*. <https://oitwp02.jabsom.hawaii.edu/ahec02/wp-content/uploads/sites/16/2019/01/additional-statistics.png>

² Barnes, Hilary, Michael R. Richards, Matthew D. McHugh, and Grant Martsof. "Rural And Nonrural Primary Care Physician Practices Increasingly Rely On Nurse Practitioners." *Health Affairs (Project Hope)* 37, no. 6 (June 2018): 908–14. <https://doi.org/10.1377/hlthaff.2017.1158>.

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.

2011 and 2021³. Today, we have far more APRNs, including Nurse Practitioners, because of the legislative changes to the Hawai'i Revised Statutes just over a decade ago.

Modernization of APRN practice by the esteemed legislature between 2009 and 2014 aligned HRS Chapter 457, the Nurse Practice Act, and HAR Chapter 89, the Nurse Practice Rules, to the national standards in APRN regulation called the "APRN Consensus Model". These laws and rules provide clear guidance and structure that enables a nurse to provide patient care pursuant to one's education, national certification, and additional training that the nurse completes to ensure continued competency and lifelong learning. In particular, Act 169, SLH 2009, established "global signature authority" to "permit advanced practice registered nurses to sign documents relating to health care for their patients". This act established the law §457-8.8 Advanced practice registered nurses; global signature authority.

Legislative efforts since then have addressed statutes outside of Chapter 457, that relate to patient care, but limit the APRNs' scope as compared to Chapter 457. There are three main mechanisms in which these other statutes are identified. The first is APRNs, or their employers or patients, identifying limitations that prevent providing care to patients under their care; the second is when state departments seek to include APRNs to increase the qualified and legally permitted professionals to fulfill the functions of the law; and the third is when special interest groups or public advocates seek to increase healthcare services accessible to the public by including APRNs. In all cases, APRNs assess the Nurse Practice Act and Rules, as well as their education, training, certification, and other state's practice to determine their appropriateness to engage in such proposed activities and work with their employers, the appropriate state departments, and the legislature to address these statutes.

Over the last decade, many statutes have been identified by this process. However, additional statutes continue to omit APRNs specifically, or do not use general "provider neutral" terms which enable APRNs to engage in these healthcare services and functions in accordance with Chapter 457-8.8, and therefore limit access to care. After more than a decade of addressing these remaining access to care barriers, a review and proposal for addressing any remaining barriers will be a service to the public.

The Hawai'i State Center for Nursing applauds the Senate for its interest in identifying a clear path forward. When the state identifies all obsolete laws, in comparison to the current scope of practice laws for APRNs and other professions, it will enable the state to ensure healthcare providers are able to provide the care established as within their official scope of practice and overseen by their regulatory bodies.

³ Hawai'i State Center for Nursing. "2021 Hawai'i Nursing Workforce Supply Report," December 2021. http://www.hawaii-center-for-nursing.org/wp-content/uploads/2021/12/Statewide-Report-v.Final_.pdf.

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, April 19, 2022
10:00 a.m.
Via Videoconference**

H.C.R. 139, H.D. 1, REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS REGARDING THE SCOPES OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS

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

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Nursing (Board). The Board appreciates the intent of and offers comments on this resolution only as it pertains to advanced practice registered nurses (APRNs).

The purposes of this resolution are to request that the Department of Commerce and Consumer Affairs (DCCA) conduct an analysis of: (1) the scopes of practice for APRNs and physician assistants; (2) whether the scopes of practice for advanced practice registered nurses and physician assistants should be expanded in certain areas of medical care and services, including: school-based health services, medical care for minors related to human immunodeficiency virus, abortion care, the records review process for prescriptions of controlled substances, Clinical Laboratory Improvement Amendments waived tests, and medical aid in dying; and (3) a comparison to other jurisdictions and whether those jurisdictions allow for similar expanded scopes of practice.

The Board respectfully requests that the Committees amend this resolution: (1) to include that an analysis of state and local laws and regulations to identify “gaps and limitations” that exist in providing access to health care by APRNs due to the physician shortfall, especially on the neighbor islands and in rural communities also be included; and (2) allow for the submittal of the report to be extended until twenty days prior to the convening of Regular Session of 2024, to allow the parties more time to research and perform a comparative analysis of the various laws and rules of other jurisdictions.

Thank you for the opportunity to testify on this resolution.

Testimony of the Hawaii Medical Board

**Before the
Senate Committee on Health
and
Senate Committee on Commerce and Consumer Protection
Tuesday, April 19, 2022
10:00 a.m.
Conference Room 225 and Via Videoconference**

**H.C.R. 139, H.D. 1, REQUESTING THE DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS TO CONDUCT AN ANALYSIS REGARDING THE SCOPES OF
PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN
ASSISTANTS**

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

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical Board (Board). The Board appreciates the intent of, and offers comments on this resolution as it pertains to physician assistants only.

The purposes of this resolution are to request that the Department of Commerce and Consumer Affairs (Department) conduct an analysis of: (1) the scopes of practice for advanced practice registered nurses and physician assistants; (2) whether the scopes of practice for advanced practice registered nurses and physician assistants should be expanded in certain areas of medical care and services, including: school-based health services, medical care for minors related to human immunodeficiency virus, abortion care, the records review process for prescriptions of controlled substances, Clinical Laboratory Improvement Amendments waived tests, medical aid in dying, and other medical care and services; and (3) a comparison to other jurisdictions and whether those jurisdictions allow for similar expanded scopes of practice.

The Board appreciates the intent of this measure because it proposes to have the Department analyze very important matters that could ultimately result in the Board updating its statutes, rules, and policies to bring it to parity with the current practice of physician assistants based on their education and training.

Lastly, the Board respectfully requests that the submittal of the report be extended until twenty days prior to the convening of Regular Session of 2024, to allow the parties more time to research and perform a comparative analysis of the various laws and rules of other jurisdictions.

Thank you for the opportunity to testify on this resolution.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129

April 19, 2022

TESTIMONY TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

House Concurrent Resolution 139, House Draft 1 – Requesting the Auditor to Conduct
an Analysis Regarding the Scopes of Practice for
Advanced Practice Registered Nurses and Physician Assistants.

The Disability and Communication Access Board (DCAB) supports House Concurrent
Resolution 139, House Draft 1.

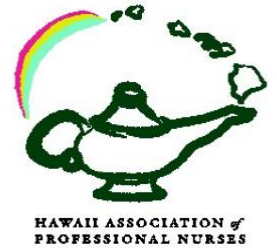
Physician Assistants are already authorized to perform many physician functions and
considering the physician shortage in Hawaii it is advisable to analyze what additional
functions they might take on. Hawaii Revised Statutes §291-51 currently authorizes
Advanced Practice Registered Nurses to sign the certificate of disability for a parking
permit. A physician assistant should be authorized to certify an applicant's disability for
a disability parking permit as well.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

Hawai'i Association of Professional Nurses (HAPN)



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

From: Hawaii Association of Professional Nurses (HAPN)
Subject: HCR139 HD1 - REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT AN ANALYSIS REGARDING THE SCOPES OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS.

Hearing: April 19th, 2022 at 10am

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

Thank you for the opportunity to submit testimony regarding HCR139 HD1, which requests the Department of Commerce and Consumer Affairs to conduct an analysis for the scope of practice of advanced practice registered nurses and physician assistants. HAPN is in **OPPOSITION** of this resolution. HAPN has always been an advocate of improved access to care, and this resolution has the potential to cut vital access to care for many residents in Hawaii.

Hawaii's APRNs do not compliment the work of physicians. Physicians are leaving their practices in Hawaii. A number of reasons include retirement and Hawaii's inability to retain or recruit replacement physicians. Hawaii's APRNs have been, and are still, meeting this significant healthcare need. We have become innovative in finding ways to assess our communities and meet this need head on while continuing to provide excellent care for our patients. At a time when the Covid pandemic has made healthcare needs greater than ever, it was APRNs who stepped up and stepped in. APRNs took care of those who lost their private health insurance because of the pandemic and had to use Quest. Hawaii has improved access to care in many circumstances; however, work still needs to be done to improve access further and ensure continued access to patient care, especially in rural areas¹.

Hawaii's APRNs continue to align with the national standard of APRN scope of practice with legislation enacted in 2009. Our scope of practice is already clearly defined. We continue to abide by these national standards today. These laws and rules provide clear guidance and structure that enables APRNs to provide patient care pursuant to education, national certification, and additional training that the APRN completes to ensure continued competency and lifelong learning.

HAPN recognized the House's desire to create an omnibus legislative effort to complete this review last year. With the previous year's resolution effort, there were appropriate stakeholders named in the resolution to review these issues. HAPN has held talks with the Hawaii State

1. Schorn MN, Myers C, Barroso J, et al. Results of a National Survey: Ongoing Barriers to APRN Practice in the United States. Policy, Politics, & Nursing Practice. February 2022. doi:10.1177/15271544221076524

Center for Nursing and the Hawaii Board of Nursing to review these issues, and develop a working group to review the HRS. Of the points noted in this resolution, abortion care has already been determined. Due to our full practice authority, APRNs have not required the review of our records as suggested in #4, however PAs may.

It is difficult to compare the practices of APRNs throughout our country as there are many differences in APRN scope throughout. All states in comparison would need to have an established full practice authority and, even then, these laws or rules may differ. Currently, 48% of states authorize full practice authority for APRNs² (with two more states added since this article was written). The National Council of State Legislators has a validated comparison across the nation, and across professions, which is often referred to. This resource is located at [ScopeofPracticePolicy.org](https://www.scopeofpracticepolicy.org) and “. . .provides policymakers with information on laws that govern the scope of practice for nurse practitioners, physician assistants, dental hygienists and dental therapists across the country.” This website also tracks scope of practice bills in all 50 states.

Community organizations and those who can identify a healthcare need have asked the State Legislature to step in to review these barriers to examine the possibility of APRNs to fill these needs. Statutes continue to remain that refer to “physician specific” language that may have been in place before APRNs were granted full practice authority.

HAPN’s mission, to be the voice of Advanced Practice Registered Nurses 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 played an important role to improve the physical and mental health of our communities.

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

2. American Association of Nurse Practitioners. “State Practice Environment.” American Association of Nurse Practitioners. Accessed March 22, 2022.
<https://www.aanp.org/advocacy/state/state-practice-environment>.



April 19, 2022 at 10:00 am
Via Videoconference

Senate Committee on Commerce and Consumer Protection

To: Chair Rosalyn H. Baker
Vice Chair Stanley Chang

Senate Committee on Health

To: Chair Jarrett Keohokalole
Vice Chair Rosalyn H. Baker

From: Paige Heckathorn Choy
Associate Vice President, Government Affairs
Healthcare Association of Hawaii

Re: Submitting Comments
HCR 139 HD 1, Requesting the Department of Commerce and Consumer Affairs to conduct an analysis regarding scopes of practice for Advanced Practice Registered Nurses and Physician Assistants

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the health care continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to provide **comments** on this resolution. Advanced Practice Registered Nurses (APRNs) and Physician Assistants (PAs) play a critical role in our healthcare system in expanding access to primary care and, sometimes, specialty services. Nationally, there is a growing movement to allow qualified APRNs and PAs who meet certain educational, training, and experiential standards to expand their scope of practice to meet patient and employer demands. There are many studies that have shown the effectiveness of using APRNs and PAs as primary care providers (and, in some cases, as more specialized providers) and these clinicians have become integral parts of a medical teams at various hospital facilities in the state.

The Association, has taken on workforce development as a major priority. We are actively working on programs with education and other community partners in the state to strengthen the healthcare workforce pipeline. We have focused our efforts on encouraging high school and community college students to enter into educational programs, apprenticeships, and jobs in the sector to encourage interest in and knowledge of the opportunities that healthcare allows. Once in, we want to make sure that there is a simple glidepath to help these individuals gain more experience and education and work their way into positions that provide a solid career and a living wage. We also hope to provide more wrap-around financial supports and

scholarships to help disadvantaged students enter the healthcare workforce, and to address issues of equity in access and care.

As an Association, we have not engaged directly with member organizations—which includes hospitals, nursing homes, home health agencies, and hospice agencies—on questions related to scope of practice and whether the scope of certain clinicians should be expanded or changed. With the particularly acute need for entry-level workers, we have not delved into that particular topic at length. This has clearly become a topic of greater interest as policies are being considered to increase access to care, and it is one that we are starting to grapple with within our own organization.

It is important to note that changes to the scope of practice for APRNs and PAs have generally fallen into three major categories. In the first category, there have been updates to the licensure chapters in Hawaii Revised Statutes (HRS) to align with widely accepted national standards for scope of practice—an example of this can be found in HB 1575, which modifies review of PA records to better align with national practice.

In the second category are groups and advocates who would like to expand the practitioners available for very specific services or procedures—this could include changes to services such as abortion of medical aid in dying. On those measures, clinicians may comment on whether the service or procedure is within the national standards but often these are not changes being recommended by clinicians themselves.

Third, and lastly, there are cases where clinicians or others may be asking to update existing HRS to create provider neutral language. This has been a more common occurrence over the past decade or so since the Hawaii State Legislature expanded the scope of practice for APRNs to act as independent providers, including prescribing drugs. These measures often change language in HRS that was passed prior to the expansion of a nurse's scope of practice that plainly states that only a physician can carry out some action. One example of a change that was made recently was to allow qualified APRNs to be engaged in assisted community treatment determinations so that the program was not limited to only relying on psychiatrists.

Healthcare workforce shortages have always been an issue in Hawaii, and the pandemic only worsened the situation. Over the years, policies to expand access for patients in the state have allowed APRNs, PAs, and other clinicians to provide quality, appropriate care to many patients who might otherwise not have had access. Further, we believe that APRNs, PAs, and other clinicians have a role on medical teams within facilities such as hospitals.

We have started conversations amongst our membership to discuss scope of practice issues and how to resolve any questions or issues that may come up regarding various provider types. Ultimately, for employers, they will choose how to best use and integrate various types of clinicians into their own practice workflow. We believe that continuing to allow national standards to guide scope of practice decisions in the state is a reasonable step forward, and would suggest that a review and analysis of other states' scope of practice might not provide the best picture of what's best for our state since so many communities limit access in a way that is not always beneficial for residents. A working group that is designed to discuss what is best for the state moving forward may be helpful in reaching a greater understanding on this matter.

Thank you for your consideration of this important issue.

HCR-139-HD-1

Submitted on: 4/16/2022 3:10:18 PM

Testimony for HTH on 4/19/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Wendy Gibson-Viviani	Individual	Oppose	Written Testimony Only

Comments:

TO: COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

TO: COMMITTEE ON HEALTH

FROM: Wendy Gibson-Viviani RN/BSN

RE: HCR139 (**in OPPOSITION**) Hearing: Tuesday, 04-19-22 at 10:00AM

Dear Chairs Rosalyn H. Baker and Jarrett Keohokalole, Vice-Chairs Stanley Chang and Rosalyn H. Baker and Members of the Committees,

I am Wendy Gibson-Viviani, a healthcare professional (RN) who has lived and worked in Hawaii for 29 years and am writing in strong OPPOSITION to HCR139.

Allowing non-medical people, such as the State Auditor to conduct an audit, assessing whether or not to expand the scope of practice for APRNs and PAs is not appropriate. That's why we have State Boards of Nursing and Hawaii's Medical Board.

Testimony from the Office of the Auditor (from the March 28, 2022 hearing) states that -- the analysis of the scope of practice for APRNs and PAs is BEYOND our expertise. I agree.

Passage of this measure could set a dangerous precedence of allowing non-medical agencies to decide what is appropriate to include or exclude from a medical practitioner's scope of practice.

APRNs are not physician extenders. I believe their scope of practice should be expanded, not contracted and that the assessment of what is appropriate or not should remain the responsibility of Hawaii's Board of Nursing.

Thank you for this opportunity to give testimony on this resolution. Please oppose HCR139.

Wendy Gibson-Viviani RN/BSN

Kailua Resident

HCR-139-HD-1

Submitted on: 4/17/2022 11:11:12 PM

Testimony for HTH on 4/19/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Wailua Brandman APRN PMHCNS/NP-BC FAANP	Individual	Oppose	Written Testimony Only

Comments:

I am opposing this resolution because I feel it is not relevant and not needed. The State Center for Nursing's APRN Practice and Policy Committee is currently analyzing the gaps in the HRS and HAR that hamper access to health care by APRNs. From this activity, we will be proposing legislation in the near future. Using the DCCA to analyze this situation will be an unnecessary financial burden to the taxpayers of Hawaii.

Respectfully, Wailua Brandman APRN PMHCNS/NP-BC FAANP

Ke`ena Mauiola Nele Paia, LLC

HCR-139-HD-1

Submitted on: 4/18/2022 9:28:21 AM

Testimony for HTH on 4/19/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Scharnhorst	Individual	Support	Written Testimony Only

Comments:

The practice of Advanced Practice Registered Nurses holds an influential key to meeting the healthcare needs of Hawaii.