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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection and Commerce**

Tuesday, March 21, 2023

2:00 p.m.

Conference Room 329 and Videoconference

**On the following measure:
S.B. 599, S.D. 1, H.D. 1, RELATING TO HEALTH**

Chair Nakashima and Members of the Committee:

My name is Ahlani Quiogue, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. The Department supports this bill.

The purposes of this bill are to: (1) allow certain physician assistants to sign orders for respiratory therapy and plans of care; and (2) expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

The Department supports this bill, which would provide greater access to health care for all Hawaii residents.

Thank you for the opportunity to testify on this bill.

Testimony of the Board of Nursing
Before the
House Committee on Consumer Protection & Commerce
Tuesday, March 21, 2023
2:00 p.m.
Conference Room 329 and Videoconference
On the following measure:
S.B. 599, S.D. 1, H.D. 1, RELATING TO HEALTH

Chair Nakashima and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Nursing (Board). The Board supports this bill.

The purposes of this bill are to: (1) allow certain physician assistants to sign orders for respiratory therapy and plans of care; and (2) expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

The bill will improve access to healthcare by removing barriers to practice by expanding the class of health care providers who may order respiratory care for their patients to include physician assistants and advanced practice registered nurses.

Thank you for the opportunity to testify on this bill.

Testimony of the Hawaii Medical Board

**Before the
House Committee on Consumer Protection and Commerce**

Tuesday, March 21, 2023

2:00 p.m.

Conference Room 329 and Videoconference

On the following measure:

S.B. 599, S.D. 1, H.D. 1, RELATING TO HEALTH

Chair Nakashima and Members of the Committee:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical (Board). The Board supports this bill.

The purposes of this bill are to: (1) allow certain physician assistants (PAs) to sign orders for respiratory therapy and plans of care; and (2) expand the class of health care providers under whom respiratory therapists may practice respiratory care to include PAs and advanced practice registered nurses.

The Board supports this bill, which clearly provides licensed PAs the authority to sign orders for respiratory therapy and plans of care. The Board recognizes the important role PAs have in health care and believes this bill is a step in the right direction.

Thank you for the opportunity to testify on this bill.

Testimony of
Jonathan Ching
Government Relations Director

Before:
House Committee on Consumer Protection & Commerce
The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair

March 21, 2023
2:00 p.m.
Conference Room 329 & Via Videoconference

Re: SB 599, SD1, HD1, Relating to Health.

Chair Nakashima, Vice Chair Sayama and committee members, thank you for this opportunity to provide testimony on SB 599, SD1, HD1, which expands the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

Kaiser Permanente Hawai'i SUPPORTS SB 599, SD1, HD1.

Kaiser Permanente Hawai'i is one of the nation's largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 269,000 members in Hawai'i. In Hawai'i, more than 4,200 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai'i has more than 20+ medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

Kaiser Permanente Hawai'i supports healthcare providers practicing to the full extent of their training and scope of practice. Advanced practice registered nurses (APRNs) and physician assistants (PAs) are credentialled to provide critical care to both adults and children, and are educated, trained and privileged to write orders to manage ventilators. However, Hawai'i law currently prohibits them from prescribing, ordering, or directing respiratory care services.

To provide our patients with high quality care despite Hawai'i's chronic provider shortage, it is crucial that providers' scope of practice reflects the full extent of their training. The ongoing pandemic and the severe flu and RSV season bring added urgency to this ongoing issue. **SB 599, SD1, HD1 aligns Hawai'i law with community standard of practice and CMS regulations in which qualified non-physician providers, including APRNs and Pas, are able to safely and**

competently order respiratory therapy for patients to be implemented by respiratory therapists. Therefore, we urge the committee to PASS SB 599, SD1, HD1 unamended.

Mahalo for the opportunity to testify on this important measure.



TO: Committee on Consumer Protection & Commerce

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

Hearing Date/Time: Tuesday, March 21, 2023 2:00 p.m.

Place: Conference Room 329 & Videoconference State Capitol

Re: SB599 SD1 HD1, Relating to Health

Dear Chair Nakashima, Vice Chair Sayama, and Committee Members,

Thank you for the opportunity to provide testimony on SB599 SD1 HD1, which allows certain physician assistants (PAs) to sign orders for respiratory therapy and plans of care. Expands the class of health care providers under whom respiratory therapists may practice respiratory care to include PAs and APRNs.

Hawai'i Academy of Physician Assistants (HAPA) STRONGLY SUPPORTS SB599 SD1 HD1

HAPA is the Hawai'i state chapter of The American Academy of Physician Assistants (AAPA).

HAPA supports SB599 SD1 HD1 because it includes PAs as licensed medical providers who are qualified to create plans of care and provide direction to respiratory therapists for the provision of respiratory services for appropriate patients. This is consistent with PA training and scope of practice, and it ensures greater access to respiratory health care services in Hawai'i, especially during our ongoing physician shortage in the state.

PAs are highly skilled medical providers and authorized by the Affordable Care Act, along with physicians and APRNs, to serve as primary care provider (PCP). PAs receive rigorous medical training modeled on medical school curriculum which includes rotations in family medicine, internal medicine, general surgery, pediatrics, obstetrics and gynecology, emergency medicine, psychiatry, and other specialty electives. PA



training programs typically require thousands of hours of previous clinical care experience before matriculation is even considered.

PAs are regarded as qualified licensed medical providers, who can provide medical direction and oversight of speech therapists, occupational therapists, physical therapists, among others. **SB599 SD1 HD1 aligns Hawai'i law with community standard of practice and CMS regulations in which qualified non-physician providers, including APRNs and PAs, can safely and competently order respiratory therapy for patients to be implemented by respiratory therapists. HAPA asks for your support of SB599 SD1 HD1.**

Thank you for this opportunity to testify in support of this important legislation.

Sincerely,

Scott A. Denny, MSPA, PA-C
Legislative Liaison
Hawai'i Academy of Physician Assistants (HAPA)

TO: Committee on Consumer Protection & Commerce
House of Representatives – 32nd Legislative Regular Session of 2023

FROM: Hawaii Society for Respiratory Care (HSRC)

DATE: March 21, 2023

RE: Position Statement on SB 599 SD1 HD1 (HSCR1304)

CC: American Association for Respiratory Care (AARC)

The Hawaii Society for Respiratory Care wishes to weigh in on Senate Bill 599 SD1 HD1 relating to the expansion of the health care providers who respiratory therapists may practice under.

Respiratory Therapy is the health care discipline specializing in the promotion of optimum cardiopulmonary function, health, and wellness. Respiratory Therapists are educated, trained, and licensed professionals who employ scientific principles to identify, treat and prevent acute or chronic dysfunction of the cardiopulmonary system.

During the COVID-19 pandemic, respiratory therapists were the front-line providers in intensive care units, emergency departments, and post-acute care facilities. The COVID-19 pandemic brought national attention to the importance of the respiratory therapist as a vital role in hospital intensive care units for running the ventilator. Under the Public Readiness and Emergency Preparedness Act, respiratory therapists were also called upon during this public health emergency to help administer the COVID-19 vaccines.

Respiratory therapists pass a national board certifying exam and worked hard to establish licensure in the state of Hawaii.

We are not opposed to SB 599 SD1 HD1 because it does not encroach on the respiratory therapist's scope of practice and in essence serves to expand upon the class of health care provider under whom respiratory therapist's practice.

We support this legislation on behalf of patients in rural settings and those who currently may have to wait for a physician to sign orders which may delay care.

One concern that we would like to express is that SB 599 SD1 HD1 does not state that the orders from this other class of health care providers will be written for respiratory therapists to carry out.

Tuesday, March 21, 2023 at 2:00 PM
Via Video Conference; Conference Room 329

House Committee on Consumer Protection & Commerce

To: Representative Mark Nakashima, Chair
Representative Jackson Sayama, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

**Re: Testimony in Support of SB 599, SD1, HD1
Relating to Health**

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

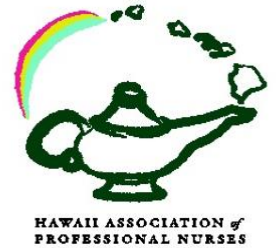
HPH writes in SUPPORT of SB 599, SD1, HD1 which expands the class of health care providers under whom respiratory therapists may practice respiratory care to include licensed physician assistants (PA) and licensed advanced practice registered nurses (APRN).

This measure aligns with community standards of practice and CMS regulations in which qualified non-physician providers including PAs and APRNs are able to safely and competently order respiratory therapy for patients to be implemented by respiratory therapists.

Enabling respiratory therapists to practice under the supervision of these additional health care providers of physician assistants and advanced practice registered nurses is consistent with Hawai'i's multidisciplinary practice philosophy.

Thank you for the opportunity to testify.

Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Representative Mark Nakashima, Chair of
the House Committee on Consumer Protection and
Commerce

From: Hawaii Association of Professional Nurses (HAPN)

Subject: SB599 SD1 HD1 – Relating to Health; in Support

Hearing: March 21, 2023, 2p.m.

Aloha Representative Nakashima, Chair; Representative Sayama, Vice Chair; and Committee Members

Thank you for the opportunity to submit testimony regarding SB599 SD1 HD1. HAPN is in **support** of this measure. This measure will improve access to care for our patients who require respiratory care services by authorizing Advanced Practice Registered Nurses (APRN) to order respiratory services in collaboration with our respiratory care colleagues, further reducing delays in care. Health care professionals are in high demand with a decrease in supply as noted by several state agencies.

APRNs have been recognized by the legislature to practice to the full extent of our education/training, certification, and licensure. HRS 457 states that APRNs are “authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources”. Providing orders for respiratory care services is in line with HRS 457. APRNs have been able to demonstrate competent and safe care in our hospitals, clinics, and other places where we work.

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.

HAPN respectfully asks this Committee to pass this bill. 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



March 20, 2023

To: Representative Mark M. Nakashima, Chair
Representative Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection & Commerce

Re: Testimony in Support of SB599 SD1 HD1, Relating to Health

Hrg: 21 March 2023, 2:00 PM, House Conference Room 329 via Videoconference

Dear Chair Nakashima, Vice Chair Sayama, and Committee Members,

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Additionally, HPHA aims to call attention to issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), which can have profound impacts on health equity and well-being. Therefore, as stewards of public health, HPHA is also advocating for equity in all policies.

Thank you for the opportunity to provide **supportive testimony for SB599 SD1 HD1**, which seeks to expand the class of health care providers under whom respiratory therapists may practice respiratory care **to include physician assistants (PAs) and advanced practice registered nurses (APRNs)**. We strongly support **SB599 SD1 HD1**, which will expand access to care. PAs and APRNs are licensed medical providers who are qualified to provide medical direction to respiratory therapists for the provision of respiratory services for appropriate patients. PAs and APRNs are skilled medical providers and authorized by the Affordable Care Act, along with physicians, to serve as primary care provider (PCP). In practice, PAs and APRNs routinely take medical histories, perform physical examinations, order and interpret laboratory tests, diagnose illnesses, develop and manage treatment plans, and prescribe medications. **SB599 SD1 HD1** is consistent with the education, training, and scope of practice of PAs and APRNs, and it ensures greater access to respiratory health care services in Hawaii.

In summary, we strongly support SB599 SD1 HD1 which aligns with PA and APRN scope of practice by including respiratory therapists as providers who can take direction from PAs and APRNs. Thank you for the opportunity to provide testimony on this important public health topic that relates to healthcare access as it ensures greater access to respiratory health care services in Hawaii.

Respectfully submitted,

Holly Kessler
Executive Director



**Written Testimony Presented Before the House
Committee on Consumer Protection & Commerce
Tuesday, March 21, 2023 at 2:00 P.M.
Conference Room 329 and via Videoconference**

**by
Laura Reichhardt, APRN, AGPCNP-BC
Director, Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

TESTIMONY IN SUPPORT on S.B. 599, S.D. 1, H.D. 1

Chair Nakashima, Vice Chair Sayama, and Members of the Committee, thank you for the opportunity to testify **in support of S.B. 599, S.D. 1, H.D. 1.**

In Hawai'i, health care professionals are in high demand yet in low supply, particularly on the neighbor islands and in rural and underserved areas of our state. Improving access to care by qualified healthcare professionals is critical to ensuring the people of Hawai'i receive the healthcare when they need it, and by their preferred healthcare provider.

The Legislature has long recognized the high standard of care provided by Advanced Practice Registered Nurses (APRNs), and established that APRNs are
"...authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources..." (HRS 457-8.6 (c)).

When laws outside of the Nurse Practice Act are not updated to align with the scope of practice that is established within the Nurse Practice Act, challenges and barriers in accessing health care services occur. Though the APRN is enabled to provide the service per their practice act, they remain unable to do certain healthcare functions because of disagreement across the constellation of laws in the Hawai'i Revised Statutes.

In this case, currently respiratory therapists cannot receive orders from APRNs, even though APRNs are authorized *"to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources"*. Respiratory therapists provide care to people who have trouble breathing. The inability to accept a referral from an APRN can cause delays in care.

The Hawai'i State Center for Nursing respectfully **asks the Committee to pass S.B. 599, S.D. 1, H.D. 1** through your committee. The Center thanks your committee for its commitment to the people of Hawai'i, and ensuring access to high-quality health care by our state's interprofessional healthcare team including APRNs.

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.