

Testimony of the Board of Nursing

**Before the
Senate Committee on Commerce and Consumer Protection
Thursday, April 1, 2021
9:40 a.m.
Via Videoconference**

**On the following measure:
H.B. 302, H.D. 1, S.D. 1, RELATING TO
ADVANCED PRACTICE REGISTERED NURSES**

WRITTEN TESTIMONY ONLY

Chair Baker and Members of the Committee:

My name is Lee Ann Teshima, 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) authorize advanced practice registered nurses (APRNs) to order and certify home health care for Medicare patients; (2) authorize APRNs to certify whether a person is totally disabled under the income tax code; (3) authorize APRNs to make capacity determinations; and (4) add APRNs with psychiatric specializations as primary providers in advance mental health care directives.

The Board supports this bill because it removes barriers for the practice of APRNs and provides 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 APRNs 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.

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



ISAAC W. CHOY
DIRECTOR OF TAXATION

STATE OF HAWAII
DEPARTMENT OF TAXATION
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To: 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: April 1, 2021
Time: 9:40 A.M.
Place: Via Video Conference, State Capitol

Re: H.B. 302, H.D. 1, S.D. 1, Relating to Advanced Practice Registered Nurses

The Department of Taxation (Department) offers the following comments on H.B. 302, H.D. 1, S.D. 1, for your consideration.

As it relates to taxation, H.B. 302, H.D. 1, S.D. 1 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. The Senate Committee on Health deleted the requirement contained in the previous version which required an advanced practice registered nurse be accredited in a psychiatric specialization. This measure is effective upon approval.

The Department is able to administer this measure as currently written as the tax provisions do not have a substantial administrative impact. Thank you for the opportunity to provide testimony on this measure.



HB302 SD1 HD1 Nurses Can Make Capacity Decisions


COMMITTEE ON COMMERCE AND CONSUMER PROTECTION:

- Sen. Rosalyn Baker, Chair; Sen. Stanley Chang, Vice Chair
- Thursday, Apr. 1 2021: 9:40 : Videoconference

Hawaii Substance Abuse Coalition Supports HB302 SD1 HD1:

ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the CEO of Hina Mauka, providing services for substance use disorder and mental health including programs for prevention, adult addiction treatment, adolescent treatment, case management, and withdrawal management. Helping people on Oahu and Kauai.

HSAC supports this bill that removes barriers so that the APRNs can help our people to have greater access to healthcare, especially for patients in rural areas and neighbor islands as well as recognizes that APRNs have the expertise in their scope of practice to perform Mental Health Advanced Directives and capacity determinations. Typically, APRNs are mostly engaged and have demonstrable success for making these types of capacity decisions.



Across the nation, APRNs scope of practice has been expanded to play a significant role for providing care to the underserved population, especially to Medicaid (underinsured) patients or uninsured people.

HSAC is in support because we understand that APRNs are qualified providers that are needed during this time of major workforce shortages for healthcare workers so that providers can meet our communities' need for services.

HSAC notes that for capacity issues involving co-occurring disorders (substance use disorder coupled with mental health disorders), that the best treatment is primarily residential that steps down to outpatient. People with severe substance use disorder are often recommended residential treatment that can ultimately transition, or step down, to outpatient treatment and other lower levels of care. Such determinations are made by professionals based on criteria established by the American Society of Addiction Medicine.¹ Addiction is like other chronic illnesses in that

¹ Mee-Lee, D. E. (2013). The ASAM criteria: Treatment criteria for addictive, substance-related, and co-occurring conditions. Rockville, MD: American Society of Addiction Medicine.

the sooner it is recognized and the longer it is treated, the better the chances of recovery.

We appreciate the opportunity to provide testimony and are available for questions.



THE QUEEN'S HEALTH SYSTEMS

To: 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: April 1, 2021

Re: Support for HB302, HD1, SD1: 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 testify in support of HB302, HD1, SD1, which would allow APRNs to certify a total disability for income tax, authorizes advanced practice registered nurses with psychiatric specializations to make capacity determinations, and adds advanced practice registered nurses with psychiatric specializations as primary providers in advance mental health care directives. We also support the Hawai'i State Center on Nursing's recommendation to define APRN as it appears in HB302, page 4, lines 1-3.

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. 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 throughout our state.

In addition, we support the testimony put forth by the Healthcare Association of Hawai'i. Thank you for the opportunity to testify in support of HB302, HD1, SD1.

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.

**Written Testimony Presented Before the
Senate Committee on Commerce & Consumer Protection
Hearing: April 1, 2021, 9:40 AM
Via Videoconference**

By Hawai'i – American Nurses Association (Hawai'i-ANA)



**HB302,HD1,SD1 – RELATING TO ADVANCED PRACTICE REGISTERED
NURSES**

Chair Rosalyn H. Baker, Vice Chair Stanley Chang, and members of the Senate Committee on Commerce and Consumer Protection, thank you for this opportunity to provide testimony **in strong support of HB302,HD1,SD1.**

This measure improves on equitable access to health care for consumers in Hawai'i by removing barriers from the practice of Advanced Practice Registered Nurses (APRNs) within their currently authorized scope of practice. This measure opens the door for Medicare patients seeking an order for home health care, who must currently be referred to another primary care provider (PCP) for an order. Similarly, this measure broadens access to healthcare for a person to be certified as totally disabled under the income tax code. Again, in keeping with currently authorized scope of practice, by this measure the APRN is authorized to make capacity determination and to be included as a PCP in advance mental health care directives.

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 HB302,HD1,SD1 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

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Hawai'i Psychological Association

For a Healthy Hawai'i

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COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Thursday, April 1, 2021 - 9:40 am – Via videoconference

Support of HB302 HD1 SD1 RELATING TO ADVANCED PRACTICE REGISTERED NURSES

The Hawai'i Psychological Association (HPA) supports HB302 HD1 SD1 with suggested amendments, 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 emphasize that the APRNs doing this work must have the appropriate training. HPA believes that capacity determinations of mental health or psychiatric disability, other than dementia, should only be done by *psychiatric* APRNs – and we supported the amendment made in the House Health, Human Services, & Homelessness committee for making this explicitly clear in the HD1 of this measure and respectfully request that it be restored.

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 Lichton, Ph.D.

Chair, HPA Legislative Action Committee



April 1, 2021 at 9:40 am
Via Videoconference

Senate Committee on Commerce and Consumer Protection

To: Chair Rosalyn H. Baker
Vice Chair Stanley Chang

From: Paige Heckathorn Choy
Director of Government Affairs
Healthcare Association of Hawaii

Re: **Submitting Comments**
HB 302 HD 1 SD 1, Relating to Advanced Practice Registered Nurses

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 healthcare 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 section 2 of this measure. We would note that the federal *CARES Act* allowed non-physician practitioners, including advanced practice registered nurses (APRNs), to certify and order home health. Only allowing physicians to certify and order home health creates a real barrier for care, especially for underserved patients. We are supportive of allowing APRNs to certify and order home health but would note that even with the change in this measure there are remaining barriers in Hawaii Administrative Rules that would need to be addressed to fully implement this change. Further, we would suggest that the amendments in section 2 would only apply to patients with Medicare coverage and would thus not apply this expansion of access to patients with other types of public and private insurance.

We look forward to continuing this conversation to ensure greater access to care for home health services. Thank you for the opportunity to provide our comments on section 2 of this measure.

HB-302-SD-1

Submitted on: 3/29/2021 10:56:41 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support.

HB-302-SD-1

Submitted on: 3/29/2021 10:56:58 AM

Testimony for CPN on 4/1/2021 9:40:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goljuch, Sr.	Individual	Support	No

Comments:

I definitely support HB302. Please pass this bill. Thank you.

April 1, 2021 at 9:40 am
Via Videoconference

Senate Committee on Commerce and Consumer Protection

To: Chair Rosalyn H. Baker
Vice Chair Stanley Chang



From: Beth Hoban, RN
Founder, Prime Care Services Hawaii

Re: Providing Comments
HB 302 HD 1 SD 1, Relating to Advanced Practice Registered Nurses

Prime Care Services Hawaii is a licensed, Medicare-certified home healthcare agency that provides skilled services to the homebound patients on Oahu. This is a physician- based practice- orders are needed to provide care and needs to be signed by the ordering physician to be able to be billed. Medicare covers 100% of this service. With the growing elderly population, this is a much-needed service. Working with APRN's during the pandemic has helped navigate the process better and be able to provide the care needed to the patients. They sign the required paperwork to make a seamless transition from a referral to when the care is needed.

Thank you for the opportunity to provide **comments only on section 2** of this measure. We would note that the federal *CARES Act* allowed non-physician practitioners, including advanced practice registered nurses (APRNs), to certify and order home health. Only allowing physicians to certify and order home health creates a real barrier for care, especially for underserved patients. We are supportive of allowing APRNs to certify and order home health but would note that even with the change in this measure there are remaining barriers in Hawaii Administrative Rules that may not fully allow APRNs to certify and order for services. We look forward to continuing this conversation to ensure greater access to care for home health services.

Thank you for the opportunity to provide our comments on section 2 of this measure.

**Written Testimony Presented Before the
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

DATE: Thursday, April 1, 2021

TIME: 9:40 A.M.

PLACE: VIA VIDEOCONFERENCE

by

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

LATE

Testimony in Strong Support for HB 302, HD1, SD1

Chair Baker, Vice Chair Chang, and members of the Senate Committee on 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. This measure seeks to enable APRNs to determine total disability under the income tax code, authorizes advanced practice registered nurses to make capacity determinations, adds advanced practice registered nurses as primary providers in advance mental health care directives, and certify and refer patients for home health services. The Hawai'i State Center for Nursing prefers the SD1 version of this bill which includes an effective date "upon its approval".

The HSCN APRN Policy and Practice Taskforce, a group of APRN leaders across the islands, identified the statutes that cause barriers to providing care for our readily available APRN workforce. Removing these barriers will enable APRNs to work within their established scope of practice and improve the accessibility of highly qualified care to people across the Hawaiian Islands. APRNs have more than doubled in Hawai'i between 2005 and 2017, with continued growth since then. 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). There are practicing APRNs in all regions of Hawai'i with more than 25% of Hawai'i's APRNs working in rural areas (HSCN, 2017). Further, the majority of APRNs working in the Counties of Hawai'i, Maui, and Kaua'i work in federally designated medically underserved areas.

Hawai'i's laws for APRNs ensure public safety during patient care through authorized assessment, diagnosis, and prescriptive authority. 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. HSCN urges you to pass this measure in its current form through your committee. Thank you for the dedication and care and for improving their access to healthcare for 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.