

Testimony of the Board of Nursing

**Before the
House Committee on Consumer Protection and Commerce
Wednesday, March 29, 2023
2:10 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H.C.R. 204, REQUESTING THE HAWAII STATE CENTER FOR NURSING TO
CONVENE A WORKING GROUP TO STUDY THE POTENTIAL IMPACTS OF THE
STATE JOINING THE MULTI-STATE NURSE LICENSURE COMPACT**

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 offers comments on this measure.

The purposes of this resolution are for the Hawaii State Center for Nursing to convene a working group to study the potential impacts to the State of joining the multi-state Nurse Licensure Compact (NLC) and to investigate the feasibility and impacts of adopting the multi-state NLC including: (1) identification of possible impacts to in- and out-migration of registered nurses, including migration related to job transfers, travel nursing, and telehealth nursing; (2) identification of any issues regarding the regulation of out-of-state registered nurses, including issues related to recouping costs arising from investigations of consumer complaints or other disciplinary actions; (3) identification of issues regarding disciplinary actions taken against a multistate-licensed nurse; (4) identification of issues regarding health care workforce research and planning efforts; (5) identification of issues regarding disparity in licensure renewal and competency requirements between states; (6) identification of impacts to jurisdiction and regulatory oversight of nurses in the State; (7) identification of any fiscal impact to the State and the State's current nursing workforce; and (8) any other matters the working group deems relevant.

The Board has concerns that a working group would not be effective to address the following concerns:

- 1) Loss of Autonomy to regulate nurses:**

When a state joins the NLC, the Board is bound by the Compact rules that are established and determined by the Interstate Commission of Nurse Licensure Compact Administrators. The Compact language cannot be amended by the State Legislature or the Board to address Hawaii's specific licensure requirements to ensure consumer protection and patient safety unless included in the Compact language. The implementation of the Compact would limit the State's autonomy to establish requirements unique to Hawaii for initial and renewal of licenses.

2) Continuing Competency:

Pursuant to Act 127, Session Laws of Hawaii 2015, the Legislature determined that the initial licensure requirements ensure the minimum competencies necessary for a newly license, entry-level registered or practical nurse to perform work safely and effectively. However, despite the clear benefits of this safeguard, continuing competency requirements were not currently instituted for nurse licensure renewal applications in the State and that in today's health care environment, knowledge of latest developments in the profession is a crucial means by which nurse duties are safely and effectively fulfilled. New health care systems are emerging and redoubling the challenges of licensure boards to assure consumers that, licensed nurses shall remain competent for the duration of their practice. The legislature found the most efficient means to ensure patient safety is to require Hawaii-licensed nurses to complete continuing competency requirements prior to any application for license renewal, restoration, or reinstatement. The NLC does not require completion of continuing education or continuing competency to maintain a multi-state license.

3) Enforcement:

The inability to amend the Compact language may also present issues regarding the disciplining of licenses of nurses who provide unsafe or incompetent care. Per the Compact, only the home state or the Compact

jurisdiction who issued the multistate license may revoke a nurse license. Although a remote state may issue a cease-and-desist order or impose an encumbrance on the nurse's authority to practice in their state, this does not necessarily affect the nurse's ability to practice in another Compact jurisdiction. Further, the Compact does not require a multistate license holder to file an application with the board or report their presence and practice to the Board. The absence of notification in any form to the Board is very concerning and could potentially endanger a patient's life without recourse for the Board to take action.

4) Patient Safety

On January 25, 2023, a news article published by the Southern District of Florida stated that more than two dozen individuals have been charged for their alleged participation in a wire fraud scheme that created an illegal licensing and employment shortcut for aspiring nurses. The defendants engaged in a scheme to sell fraudulent nursing degree diplomas and transcripts obtained from accredited Florida-based nursing schools to individuals seeking licenses and jobs as registered nurses and licensed practical nurses. The bogus diplomas and transcripts qualified purchasers to sit for the national nursing board exam and after passing it, to obtain nurse licenses in various states as RNs and LPNs. The overall scheme involved the distribution of more than 7,600 fake nursing diplomas. The Florida Board of Nursing is part of the NLC, that means that nurses licensed in Florida under a multi-state license, will be able to practice in Hawaii if we join the NLC; jeopardizing patient safety if the individuals were one of the 7,6000 who applied and received a nursing license in Florida or any other of the NLC states.

The DCCA has submitted and supports alternative legislation (S.B. 63) to address out-of-state nurses to be issued a temporary permit with streamlined requirements to further address and ensure safe nursing practice by these individuals.

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H.C.R. 204
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The measure would address enforcement concerns and offer a timelier option for nurses to practice in the State.

Thank you for the opportunity to testify on this bill.



**Written Testimony Presented Before the House
Committee on Consumer Protection & Commerce
Wednesday, March 29, 2023 at 2:10 PM
In 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**

Comments on H.C.R. 204 / H.R. 208 with amendments

Chair Nakashima, Vice Chair Sayama, and Members of the Committee, thank you for the opportunity to testify on H.C.R. 204 / H.R. 208 with comments **and recommended amendments to extend the report due date.**

This resolution finds that there is a continuing nursing workforce shortage and that the nurse licensure compact would enable license portability. The Center is requested, by way of this resolution, to convene a working group to study the feasibility and impact of the State adopting the nurse licensure compact. In 2003, the Legislature, in its great wisdom, established the Hawai'i State Center for Nursing to:

1. Collect and analyze data and prepare and disseminate written reports and recommendations regarding the current and future status and trends of the nursing workforce;
2. Conduct research on best practice and quality outcomes;
3. Develop a plan for implementing strategies to recruit and retain nurses; and
4. Research, analyze, and report data related to the retention of the nursing workforce. [§304A-1406]

Should this resolution be passed, **the Center for Nursing asks for a final report date be extended to twenty days prior to the convening on the Regular Session of 2025 to allow for an interim report to be submitted prior to the 2024 session and a final report in 2025 session.** In order to successfully and completely address each item and any other item as determined necessary by the working group, including securing the appropriate guests and data for the item, this work will need more time. Therefore, an extended timeline supports the quality outcomes of this working group.

The Center has successfully produced 17 years of nursing workforce supply and educational capacity research and workforce reports,¹ as well as more recently the development of informational briefs relative to recruitment and retention topics in Hawai'i. In 2022, the Center released the "Information and Recommendations Related to Hawai'i's Consideration of the Nurse Licensure Compact".²

The working group and study proposed in this resolution continues the pre-existing work of the Center and reinforces the need for the mandates established in 2003, as well as the work of our expert staff. Noting that, Hawai'i State Center for Nursing also reviewed the scope of the work in this resolution.

The Center for Nursing thanks the Committee for considering this resolution and asks for a final report date be extended to twenty days prior to the convening on the Regular Session of 2025 to allow for an interim report to be submitted prior to the 2024 session.

¹ <https://www.hawaiiicenterfornursing.org/data-reports/>

² <https://www.hawaiiicenterfornursing.org/wp-content/uploads/2023/01/Hawaii-NLC-Information-and-Recommendations-v.RevisedFinal.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.

**Written Testimony Presented Before the House
Committee on Consumer Protection & Commerce**

HEARING: Wednesday, March 29, 2023 at 2:00pm

PLACE: Room 329 and via Videoconference

Comments on H.C.R. 204 / H.R. 208 with amendments

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



Chair Nakashima, Vice Chair Sayama, and Members of the Committee, thank you for the opportunity to provide written testimony on H.C.R. 204 / H.R. 208 that supports the resolution with the addition of one amendment to extend the report's due date.

The Hawai'i- American Nurses Association (Hawai'i-ANA), speaks for over 17,000 Registered Nurses (RNs) in Hawai'i who care for patients every day in our state. We support the nursing profession through the American Nurses Association professional standards of practice and empower Hawai'i RNs to advocate for the improvement of the healthcare systems where we live and work.

This resolution requests the Hawaii State Center for Nursing (HSCN) convene a working group to study the feasibility and impact of the State adopting the nurse licensure compact due to the continuing nursing workforce shortage and the impact the nurse licensure compact may have on RN license portability.

Since 2003 HSCN has successfully produced realms of valid nursing workforce supply and demand reports by collecting and analyzing nursing workforce data, conducting research and developing plans and strategies related to recruitment and retention of nurses . In 2022, the Center released the "Information and Recommendations Related to Hawai'i's Consideration of the Nurse Licensure Compact".¹

There is no better organization to do this work. However, to address each item and any other item successfully and completely as determined necessary by the working group, including securing the appropriate guests and data for each item, this work will need more time. Therefore, an extended timeline supports the quality outcomes of this working group. Should this resolution be passed, **Hawaii- ANA asks for a final report date be extended to twenty days prior to the convening on the Regular Session of 2025 to allow for an interim report to be submitted prior to the 2024 session and a final report in 2025 session.**

The HSCN working group and study proposed in this resolution continues the pre-existing work of the Center and reinforces the need for the mandates established in 2003, as well as the work of our expert staff. Noting that, the Hawai'i State Center for Nursing also reviewed the scope of

¹ <https://www.hawaii-center-for-nursing.org/wp-content/uploads/2023/01/Hawaii-NLC-Information-and-Recommendations-v.RevisedFinal.pdf>

the work in this resolution previous to its introduction and is well positioned to carry out the work with additional time frames as requested.

Hawai'i-ANA thanks the Committee for considering this resolution amendment and for its commitment to the people of Hawai'i, in ensuring access to high-quality health care by our state's interprofessional health care team

Contact information for Hawai'i – American Nurses Association:

President: Dr. Nancy Atmospera-Walch, DNP, CCHN, FAAN, president@hawaii-ana.org

Executive Director: Dr. Linda Beechinor, APRN, FNP-BC executivedirector@hawaii-ana.org

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THE QUEEN'S HEALTH SYSTEM

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

From: Linda Puu, Chief Nursing Officer, The Queen's Health System

Jace Mikulanec, Director, Government Relations, The Queen's Health System

Date: March 29, 2023

Re: Testimony in support for HCR204/HR208: REQUESTING THE HAWAII STATE
CENTER FOR NURSING TO CONVENE A WORKING GROUP TO STUDY THE
POTENTIAL IMPACTS TO THE STATE OF JOINING THE MULTI-STATE NURSE
LICENSURE COMPACT

The Queen's Health System (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 10,000 affiliated physicians, caregivers, and dedicated medical staff 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 HCR204/HR208 and thanks the Committee for its ongoing commitment to addressing Hawaii's healthcare workforce shortfall. We see this working group as one mechanism for bringing together relevant stakeholders to formally review and make recommendations on the possible impact to Hawaii's nursing workforce if it were to join the Nurse Licensure Compact (NLC).

Compact is a possible method to improve, not fix, the workforce shortage facing our hospital system. Thirty-nine jurisdictions have joined the compact - some of whom have unique challenges that are similar to Hawaii with regard to geography, cost of living, administrative burdens, etc.

Furthermore, safety and education are as important for the Compact states as for Hawaii. It is nonetheless worth exploring how our state can maintain our high quality of care and standards while also diversifying our pool of trained healthcare professionals.

COVID19 illustrated the need for our healthcare facilities to be nimble with regard to our healthcare workforce. Exploring ways to attract, retain, and grow our nursing workforce is a key part of the work group's charge. It's not a question of if, but rather a question of when the next healthcare crisis hits our state. We need to do all we can to prepare so that we can effectively compete for resources - financially and physically.

The mission of The Queen's Health System 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.

HSCN is appropriately positioned to undertake this exploratory work group and is a trusted partner within the healthcare community. Queen's looks forward to bringing the knowledge and experiences of our diverse healthcare system to the table to help evaluate Hawaii's possible entrance into the Nurse Licensure Compact.

Mahalo for your consideration of our testimony; we respectfully urge you to pass this measure.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Consumer Protection and Commerce

Testimony by
Hawaii Government Employees Association

March 29, 2023

H.C.R. 204 — RELATING TO NURSES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.C.R 204 which request the Hawaii State Center for Nursing to convene a working group to study the potential impacts to the State of joining the Multi -State Nurse Licensure Compact.

During the COVID-19 pandemic, nurses across our State fought diligently to stop the spread of an infectious disease, they are one of Hawaii's unsung heroes. As written, this resolution would encourage state leaders, across different disciplines, industries, and sectors, to continue the conversation about allowing Hawaii to become the 40th State in adopting a Multi-State Nurse Licensure program. We appreciate the inclusion of being a part of this conversation.

Thank you for the opportunity to provide testimony in support of H.C.R 204.

Respectfully submitted,

Randy Perreira
Executive Director



March 29, 2023

2:10 p.m.

Conference Room 329

VIA VIDEOCONFERENCE

To: House Committee on Consumer Protection & Commerce

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: HCR204/HR208— REQUESTING THE HAWAII STATE CENTER FOR NURSING TO CONVENE A WORKING GROUP TO STUDY THE POTENTIAL IMPACTS TO THE STATE OF JOINING THE MULTI-STATE NURSE LICENSURE COMPACT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [HCR204/HR208](#), which requests that the Hawaii State Center for Nursing convene a working group to study the potential impact of Hawaii joining the Nurse Licensure Compact.

It is well established that Hawaii is suffering from a shortage of vital healthcare workers, especially nurses. A 2021 [report](#) from the Hawaii State Center for Nursing estimated that the state has 300 to 400 fewer nurses than needed to meet demand.¹

Since 2021, we have seen [research](#) indicating that nearly one-fourth of Hawaii's nurses have been considering leaving the workforce, largely due to the stresses caused by the pandemic.²

¹ Carrie M. Oliveira, Ph.D., "[2021 Hawai'i Nursing Workforce Supply: Statewide Report](#)," Hawai'i State Center for Nursing, 2021.

² Holly B. Fontenot, Ph.D., et al., "[Impact of the COVID-19 Pandemic on the Hawai'i Nursing Workforce: A Cross-sectional Survey](#)," Hawaii Journal of Health and Social Welfare, May 2022.

As we discuss in a new policy brief [“How changing Hawaii’s licensing laws could improve healthcare access.”](#) licensing compacts are one reform that might make it easier for Hawaii to attract and retain healthcare professionals.³

The report states: “Joining multiple interstate compacts could be the simplest route to address the difficulties medical professionals face in moving to Hawaii. Most important, the compact approach has support from within the medical community.”

Currently, 38 states have joined the [Nurse Licensure Compact](#), and the compact commission is able to assist state regulators in the implementation phase.

We hope that the working group will examine the costs and benefits of joining the compact and that the Legislature might consider it again next session.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns,
Grassroot Institute of Hawaii

³ Malia Hill, [“How changing Hawaii’s licensing laws could improve healthcare access,”](#) Grassroot Institute of Hawaii, February 2023, p. .



March 29, 2023 at 2:10 p.m.
Conference Room 329

House Committee on Consumer Protection & Commerce

To: Chair Mark M. Nakashima
Vice Chair Jackson D. Sayama

From: Robert Choy, MPH
Director, Post-Acute Care
Healthcare Association of Hawaii

Re: **Support**
HCR 204/HR 208: Requesting the Hawaii State Center for Nursing to Convene a Working Group to Study the Potential Impacts to the State of Joining the Multi-State Nurse Licensure Compact

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 **support** for these resolutions, which will convene a working group within the Hawaii State Center for Nursing to examine the various impacts of Hawaii joining the Nurse Licensure Compact (NLC) and provide a report to the legislature prior to the convening of the 2024 regular session. We note that our organization has been listed as a participant in the working group, and would be happy to serve as one of its members.

Just as the causes of our current nurse shortage are complex, so, too, are its potential solutions. Convening a working group to better understand the implications of Hawaii's participation in the NLC would enable stakeholders to assess the state's current and future nurse workforce needs; its potential impact on the state's existing licensure infrastructure; and clarify questions about the regulation of out-of-state nurses who come here to practice. Though a working group will not be an immediate solution to our current nurse shortage, it is an important step to doing so by enabling more thoughtful and reasoned discussion of the subject in future sessions.

Thank you for the opportunity to submit testimony in support of these resolutions.



March 29, 2023

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

Re: HCR 204 / HR 208 – Nurse Licensure Compact

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide testimony in support of HCR204 and HR208, which are requesting the Hawaii State Center for Nursing to convene a working group to study the potential impacts to the state of joining the multi-state Nurse Licensure Compact.

HMSA strongly believes in strengthening access to quality health care services in the state of Hawaii. While we recognize that compacts are not a silver bullet to addressing the health care workforce shortage, participation in a compact would allow our health care facilities to employ nurses licensed in other states would increase access, particularly in rural and underserved communities where the need is greatest.

Convening a working group to study the feasibility and impact of the State adopting the Nurse Licensure Compact, would be beneficial to continuing this important conversation. We want Hawaii to be able to make informed decisions on how to expand and support our current health care workforce to make it easier for our residents to access health care in the place they're located at the time when they need it.

Thank you for the opportunity to testify in support of HCR 204 and HR 208.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations



March 29, 2023

To: Chair Nakashima, Vice Chair Sayama, and Members of the House Committee on Consumer Protection and Commerce

From: Hawaii Association of Health Plans Public Policy Committee

Date/Location: March 29, 2023; 2:10 p.m., Conference Room 329/Videoconference

Re: Testimony providing comments on HCR 204/HR 208 – Requesting the Hawaii State Center for Nursing to convene a working group to study the potential impacts of the state of joining the multi-state nurse licensure compact

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to provide comments on HCR 204 and HR 208. HAHP is a statewide partnership that unifies Hawaii's health plans to improve the health of Hawaii's communities together. A majority of Hawaii residents receive their health coverage through a plan associated with one of our organizations.

HAHP believes convening a working group to study the feasibility and impact of the State participating in the Nurse Licensure Compact is an important step towards expanding our current health care workforce to make it easier for our residents to access health care services. We appreciate the opportunity to be included in this discussion.

Thank you for the opportunity to testify on HCR 204 and HR 208.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

AlohaCare | HMAA | HMSA | Humana | HWMG | Kaiser Permanente | MDX Hawaii | Ohana Health Plan | UHA Health Insurance | UnitedHealthcare

hahp.org | 818 Keeaumoku Street, Honolulu, HI 96814 | info@hahp.org

HCR-204

Submitted on: 3/26/2023 12:15:32 PM

Testimony for CPC on 3/29/2023 2:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Erica Avery Ma ri	Individual	Support	Written Testimony Only

Comments:

I am a Registered Nurse currently working in Hawaii. Because many of us have family on the mainland it is a hardship to come back and forth and deal with licensing constantly and in my opinion creates a chilling effect on coming back because of the cost and paperwork necessary to jump states. I currently hold licenses in Hawaii and Oregon but it is problematic and costly. If Hawaii joins the compact I would drop Oregon license instead of Hawaii. This is because Utah is already a compact State and I have in-laws there. Many nurses are in this position. Mahalo for your time and consideration. Erica Avery Macri RN BSN