



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
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## Testimony of the Department of Commerce and Consumer Affairs

Before the  
Senate Committee on Commerce and Consumer Protection  
Monday, February 22, 2023  
9:35 a.m.  
Via Videoconference

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

### **WRITTEN TESTIMONY ONLY**

Chair Keohokalole and Members of the Committee:

My name is Shelley Choy, and I am the Program Specialist of the Department of Commerce and Consumer Affairs' (Department) Respiratory Therapist Program (Program). The Department 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 (APRNs)..

The Department supports this bill, which would provide greater access to health care for all Hawaii residents. The Department appreciates that the S.D. 1 reflects the amendments requested by the Hawaii Medical Board and Board of Nursing.

Thank you for the opportunity to testify on this bill.

**Testimony of the Board of Nursing**

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

**Wednesday, February 22, 2023**

**9:35 a.m.**

**Via Videoconference**

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

**WRITTEN TESTIMONY ONLY**

Chair Keohokalole 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 in its current form as it pertains to the inclusion of advanced practice registered nurses (APRNs) and defers to the Hawaii Medical Board and the Respiratory Therapist Program regarding the practice of physician assistants and respiratory care.

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 APRNs.

The amendments in the S.D.1 will remove barriers to practice by expanding the class of health care providers who may order respiratory care for their patients to include physician assistants and APRNs.

Thank you for the opportunity to testify on this bill.

**Testimony of the Hawaii Medical Board**

**Before the  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 22, 2023  
9:35 a.m.  
Videoconference**

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

**WRITTEN TESTIMONY ONLY**

Chair Keohokalole 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 appreciates the amendments made to this bill, which clearly provide 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.



TO: Committee on Commerce and Consumer Protection  
Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

Hearing Date/Time: Friday, February 22, 2023 9:35 a.m.

Place: Conference Room 229 & Videoconference State Capitol

**Re: SB599 SD1, Relating to Health**

Dear Chair Keohokalole, Vice Chair Fukunaga, and Committee Members,

Thank you for the opportunity to provide testimony on SB599 SD1, which seeks to expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

**Hawai`i Academy of Physician Assistants (HAPA) STRONGLY SUPPORTS SB599 SD1**

HAPA is the Hawaii state chapter of The American Academy of Physician Assistants.

HAPA supports SB599 SD because it includes physician assistants as licensed medical providers who are qualified to provide medical direction to respiratory therapists for the provision of respiratory services for appropriate patients. This is consistent with physician assistant training and scope of practice, and it ensures greater access to respiratory health care services in Hawaii.

Physician assistants are highly skilled medical providers and authorized by the Affordable Care Act, along with physicians and APRNs, to serve as primary care provider (PCP). They 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. Physician assistant training programs typically require thousands of hours of previous clinical care experience before matriculation is even considered.

In practice, physician assistants routinely take medical histories, perform physical examinations, order and interpret laboratory tests, diagnose illnesses, develop and manage treatment plans, prescribe medications, and assist during surgery.



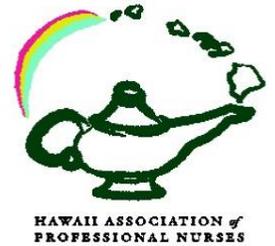
**Physician assistants are regarded as qualified licensed medical providers, who can provide medical direction and oversight of speech therapists, occupational therapists, physical therapists, among others. SB599 SD1 ensures alignment with physician assistant training and scope of practice by including respiratory therapists as providers who can take qualified direction from physician assistants.**

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

Sincerely,

Hawai'i Academy of Physician Assistants

# Hawai'i Association of Professional Nurses (HAPN)



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

From: Hawaii Association of Professional Nurses (HAPN)  
Subject: SB599 SD1 – Relating to Health; in Support

Hearing: February 22, 2023, 9:35a.m.

Aloha Senator Keohokalole, Chair; Senator Fukunaga, Vice Chair; and Committee Members,

Thank you for the opportunity to submit testimony regarding SB599 SD1. 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 and 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



**Written Testimony Presented Before the  
Senate Committee on Commerce and Consumer Protection  
Wednesday, February 22, 2023 at 9:35 A.M.  
Conference Room 229 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**

Chair Keohokalole, Vice Chair Fukunaga, and members of the Senate Committee on Commerce and Consumer Protection, thank you for the opportunity to testify in **support of S.B. 599, S.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** 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.*

Wednesday, February 22, 2023 at 9:35 AM  
Via Video Conference; Conference Room 229

**Senate Committee on Commerce and Consumer Protection**

To: Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair

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

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

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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 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.

Testimony of  
Jonathan Ching  
Government Relations Director

Before:  
Senate Committee on Commerce and Consumer Protection  
The Honorable Jarrett Keohokalole, Chair  
The Honorable Carol Fukunaga, Vice Chair

February 22, 2023  
9:35 a.m.  
Conference Room 229 & Via Videoconference

**Re: SB 599, SD1, Relating to Health**

Chair Keohokalole, Vice Chair Fukunaga and committee members, thank you for this opportunity to provide testimony on SB 599, SD1, 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.**

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 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 ask for your support of SB 599, SD1.

Mahalo for the opportunity to testify on this important measure.

**SB-599-SD-1**

Submitted on: 2/20/2023 12:03:01 PM

Testimony for CPN on 2/22/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Anne Scharnhorst	Individual	Support	Written Testimony Only

Comments:

**Written Testimony Presented Before the**

**Senate Committee on Commerce and Consumer Protection**

**Wednesday, February 22, 2023 at 9:35 A.M.**

**Conference Room 229 and via Videoconference**

**by**

**Anne Scharnhorst, DNP, RN, CNE**

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

Chair Keohokalole, Vice Chair Fukunaga, and members of the Senate Committee on Commerce and Consumer Protection, thank you for the opportunity to testify in **support of S.B. 599, S.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.

**Anne Scharnhorst** respectfully asks the Committee to pass **S.B. 599, S.D. 1** through your committee. **Anne Scharnhorst** 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.

**SB-599-SD-1**

Submitted on: 2/21/2023 9:24:55 AM

Testimony for CPN on 2/22/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marion Poirier, M.A.,R.N.	Individual	Support	Written Testimony Only

Comments:

Chair and Members of the Committee on Commerce and Consumer Protection:

Wednesday, February 22, 2023 at 9:35 a.m.

My name is Marion Poirier, and I SUPPORT SB 599. I am an R.N. with multiple nursing experiences. I view this bill as a correction to the current healthcare delivery environment. The Covid situation in particular demonstrates the wisdom of this measure.

I respectfully urge passage of this measure, and thank you for addressing the need in this bill.

Marion Poirier, M.A.,R.N.