

Testimony of the Board of Nursing

Before the
Senate Committee on Health and Human Services
Friday, March 24, 2023
1:02 p.m.
Conference Room 225 and Videoconference

On the following measure:
**S.R. 118, REQUESTING THE HAWAII STATE CENTER FOR NURSING TO
CONVENE A WORKING GROUP TO STUDY THE FEASIBILITY AND IMPACT OF
THE STATE ADOPTING THE NURSE LICENSURE COMPACT**

Chair San Buenaventura 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 feasibility and impact of the State adopting the Nurse Licensure Compact (NLC) and to identify and assess the NLC's potential impacts relating to: (1) the State's nursing workforce; (2) fiscal obligations of the State, including any fees or other costs; (3) the potential for workforce migration into and out of the State, including job transfers, travel nursing, and telehealth nursing; (4) the regulation of out-of-state nurses, including recouping costs arising from investigations of consumer complaints of other disciplinary actions; (5) disciplinary actions taken against a nurse with a multistate licensure privilege; (6) health care workforce research and planning efforts; (7) differences in licensure renewal and competency requirements between member states; (8) jurisdiction and regulatory oversight of nurses in the State; and (9) any other matters that the working group deems applicable to the evaluation of the State's adoption of the NLC.

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, SLH 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. 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.



March 24, 2023

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

Re: SCR112/SR 118 – Nurse Licensure Compact

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to support SCR112/SR 118, which is requesting the Hawaii State Center for Nursing to convene a working group to study the feasibility and impact of the state adopting the 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 SCR112/SR 118.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations



**Written Testimony Presented Before the Senate
Committee on Health and Human Services
Friday, March 24, 2023 at 1:02 PM
In Conference Room 225 & By Videoconference
by
Laura Reichhardt, APRN, AGPCNP-BC
Director, Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

Comments on S.C.R. 112 / S.R. 118 with amendments

Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee, thank you for the opportunity to testify on S.C.R. 112 / S.R. 118 with comments **and recommended amendments.**

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]

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. 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, data, for the item, this work will need more time.

Should the Committee favorably pass this resolution and noting the complexity and depth of the topic of study and the need to ensure a cohesive and comprehensive report to the Legislature, **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.**

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.

THE KŪPUNA CAUCUS



HHS_03-24-23 1:00PM SCR112, 180_SR 118,175

TO: COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

CONCERNING: SCR 112 / SR 118 ADOPTING THE NURSE LICENSURE COMPACT.
SCR 180 / SR 175 FOR THE RECRUITMENT AND RETENTION OF
NURSES

POSITION: Strong Support

Aloha Chair Buenaventura, Vice Chair Aquino and members of the Committee

The Kūpuna Caucus of the Democratic Party of Hawai'i has a membership of more than 2,000 politically active and aware seniors and we support all programs which will help Hawaii expand the number of trained medical personnel who can assist people in need of medical service, but who cannot get to an MD or Hospital.

You all know we have lost over 700 doctors and over 5000 nurses left the profession or left the islands and that was just as of 2021. The State needs to do everything it can to expand the nurse education facilities in the state as hundreds of qualified applicants are turned away annually due to lack of teachers.

Programs to retain nurses still in the field and to recruit nursing talent are also necessary which will require adjustments to exhausting over time schedules and more pay or dedicated housing. The Nurses licensure program will certify nurse professionals in all the states signed up with the program. Being part of this program will allow Hawaii to recruit and accept nurses from other states who might be willing to work here, even if temporarily.

Hawaii needs time to improve and expand nursing education opportunities so that local and qualified applicants can get the education they want and live and work her in Hawaii.

Please vote for these resolutions

Martha E Randolph for the Kūpuna Caucus of the
Democratic Party of Hawaii

Friday, March 24, 2023 at 1:02 pm
Conference Room 225 & Videoconference

Senate Committee on Health and Human Services

To: Senator Joy San Buenaventura, Chair
Senator Henry Aquino, Vice Chair

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

Re: **SCR 112/SR 118 – Testimony In Support
REQUESTING THE HAWAII STATE CENTER FOR NURSING TO CONVENE A
WORKING GROUP TO STUDY THE FEASIBILITY AND IMPACT OF THE
STATE ADOPTING THE NURSE LICENSURE COMPACT.**

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs for 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.

I write in support of SCR 112/SR 118 which requests the Hawai'i State Center for Nursing to convene a working group to study the feasibility and impact of adopting the nurse licensure compact.

Participating in the compact may allow nurses to more easily practice in Hawai'i, or treat patients in Hawai'i through telehealth, while still meeting nationally-established standards for education and training. The compact, which is in effect in 37 states, allows states to license nurses who meet eligibility criteria in a more streamlined fashion. This is especially important as we continue to see a shortage in nurses across the state, especially in rural areas and on the Neighbor Islands.

The compact alone will not solve the issues we have with our healthcare workforce. Affordability, below-cost reimbursements from Medicare and Medicaid, and the realities of retaining nurses in rural communities are still issues that must be addressed in partnership with many other stakeholders and policy-makers. However, a study as to the feasibility and impact of the compact may help to address staffing shortages and ease recruitment of nurses, especially for specialty care that may be hard to access otherwise.

Thank you for the opportunity to testify.



March 24, 2023

1:02 p.m.

Conference Room 225

VIA VIDEOCONFERENCE

To: Senate Committee on Health and Human Services

Sen. Joy A. San Buenaventura, Chair

Sen. Henry J.C. Aquino, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SCR112/SR118 — REQUESTING THE HAWAII STATE CENTER FOR NURSING TO CONVENE A WORKING GROUP TO STUDY THE FEASIBILITY AND IMPACT OF THE STATE ADOPTING THE NURSE LICENSURE COMPACT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SCR112/SR118](#), which requests that the Hawaii State Center for Nursing convene a working group to study the feasibility and possible consequences of Hawaii adopting 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 importantly, 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. .