

Honolulu, Hawaii

APR 1 9 2024

RE: H.C.R. No. 81

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committees on Labor and Technology and Health and Human Services, to which was referred H.C.R. No. 81 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO AMEND TITLE 12, CHAPTER 15, HAWAII ADMINISTRATIVE RULES, TO CLARIFY THAT COMPENSATION FOR ADVANCED PRACTICE REGISTERED NURSES UNDER THE STATE'S WORKERS' COMPENSATION LAW IS DISTINCT FROM COMPENSATION FOR REGISTERED NURSES AND SHALL BE ONE HUNDRED PERCENT OF THE FEES AUTHORIZED UNDER THE MEDICARE FEE SCHEDULE,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Director of Labor and Industrial Relations to amend title 12, chapter 15, Hawaii Administrative Rules, to clarify that compensation for advanced practice registered nurses (APRNs) under the State's Workers' Compensation Law is distinct from compensation for registered nurses (RNs) and shall be one hundred percent of the fees authorized under the Medicare fee schedule.

Your Committees received testimony in support of this measure from the Hawaii's Affiliate of the American College of Nurse-Midwives; Carol A. Orr, MD LLC; and four individuals.

Your Committees received comments on this measure from the Hawai'i State Center for Nursing.



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Your Committees find that existing rules adopted by the Department of Labor and Industrial Relations pertaining to the Workers' Compensation Medical Fee Schedule provide that fees for services provided by assistants to providers of service, such as licensed physician assistants and RNs, shall be eighty-five percent of the fees authorized by the Medicare Fee Schedule. Your Committees also find that in Hawaii, APRNs are distinct from RNs. Specifically, APRNs are primary care providers whose scope of practice exceeds that of RNs, and under the State's Workers' Compensation Law, APRNs are included in the definitions of health care provider and physician, who are entitled to receive one hundred percent of the fees authorized under the Medicare Fee Schedule. Your Committees find however, that because the language in the rules do not clearly distinguish APRNs from RNs, some insurance companies, many on the mainland, refuse to reimburse APRNs at a rate of one hundred percent, claiming that APRNs are assistants to providers of service. Therefore, this measure requests the Department of Labor and Industrial Relations to amend the rules to clarify that APRNs are distinct from RNs and shall be reimbursed at one hundred percent of the fees authorized by the Medicare Fee Schedule.

As affirmed by the records of votes of the members of your Committees on Labor and Technology and Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 81, and recommend its adoption.

JOY A. SAN BUENAVENTURA, Chair

Respectfully submitted on behalf of the members of the Committees on Labor and Technology and Health and Human Services,

HENRY



The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Labor and Technology LBT

Bill / Resolution No.:* HCR81	Committee Referral:		Da	Date: 4/14/24				
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Ауе	Aye (WR)	Nay	Excused			
AQUINO, Henry J.C. (C)		X/						
MORIWAKI, Sharon Y. (VC)		X						
IHARA, Jr., Les		•			X			
LEE, Chris		<u>X</u>						
FEVELLA, Kurt					X			
TOTAL		5)			2			
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: V Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

*Only <u>one</u> measure per Record of Votes

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Health and Human Services HHS

Bill / Resolution No.:*	Committee Referral: Date:							
HCR 81	LBT/HHS 4/16/24							
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
SAN BUENAVENTURA, Joy A. (C)		\checkmark						
AQUINO, Henry J.C. (VC)		V						
KEOHOKALOLE, Jarrett					\sim			
SHIMABUKURO, Maile S.L.		\checkmark						
AWA, Brenton					~			
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TOTAL		3			2			
Recommendation: Adopted			Not Adopted					
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod								
File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

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