

STAND. COM. REP. NO.

3886

Honolulu, Hawaii

APR 19 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.




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.

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


JOY A. SAN BUENAVENTURA, Chair


HENRY G. AQUINO, Chair

