

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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Deputy Director  
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No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1847  
A BILL FOR AN ACT RELATING TO  
RELATING TO THE PRACTICE OF NURSING

by

Clayton A. Frank, Director  
Department of Public Safety

COMMITTEE ON HEALTH  
Representative Ryan I. Yamane, Chair  
Representative Scott Y. Nishimoto, Vice Chair

Tuesday, February 9, 2010, 9:30 am  
State Capitol, Room 329

Representative Yamane and Members of the Committee:

The Department of Public Safety cannot support House Bill 1847 as it pertains to Advance Practice Registered Nurses having the authority to dispense controlled substances. Page 5, lines 12-18 of House Bill 1847 proposes to add the following language to section 457 Hawaii Revised Statutes "The scope of an advanced practice registered nurse includes but is not limited to advanced assessment and the diagnosis, prescription, selection, administration, and **dispensation** of therapeutic measures including over the counter drugs, legend drugs, and **controlled substances** within the advanced practice registered nurse's role and specialty-appropriate education and certification." The addition of this paragraph as written would authorize Advanced Practice Registered Nurses to have the ability to independently open a medical office or clinic and

have the authority to prescribe, administer, **order, maintain and dispense** controlled substances to their patients.

Section 329-1 defines the term "Dispense" in relation to a practitioner to mean to deliver a controlled substance to an ultimate user or research subject by **packaging, labeling, or compounding necessary to prepare the substance for that delivery.** A controlled substance is dispensed when:

- (2) It is compounded, prepared, labeled and packaged for delivery to the ultimate user by a practitioner acting in the usual course of his professional practice;

The Department feels that Advanced Practice Registered Nurses with prescriptive Authority should not be authorized to independently maintain a supply of controlled substances for the intent to dispense controlled substances directly to patients.

The Department recommends an amendment of Chapter 329, Hawaii Revised Statutes, Section 329-1 definition for "Advanced Practice Registered Nurse with Prescriptive Authority." The amendment would read as follows:

"Advanced Practice Registered Nurse with Prescriptive Authority," means a person licensed under section 457-8.6, who is registered under this chapter to administer, or prescribe a controlled substance. Under this section Advanced Practice Registered Nurses with Prescriptive Authority are not authorized to request, receive, or sign for professional controlled substance samples."

The Department also feels that Advanced Practice Registered Nurses like Physician Assistants should not be authorized to recommend the medical use of marijuana. The Department recommends that section 329-121 definitions also be amended to read as follows:

"Physician" means a person who is licensed under chapter 453 and is licensed with authority to prescribe drugs and registered under section 329-32 and possesses a valid Federal Controlled Substance registration. "Physician" does not include physician's assistant or advanced practice registered nurse with prescriptive authority as described in section 453-5.3 and 457-8.6."

Thank you for the opportunity to testify on this matter.

TO THE HOUSE COMMITTEE ON HEALTH  
TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010  
Tuesday, February 9, 2010, 9:30 AM  
Conference Room 329

**TESTIMONY ON HB 1847, RELATING TO NURSING.**

TO THE HONORABLE RYAN I. YAMANE, CHAIR, AND MEMBERS OF THE  
COMMITTEES:

My name is Stephen A. Kula, Ph.D., NHA and I am the Executive Director of the Organ Donor Center of Hawaii. I thank you for the opportunity to present testimony in very strong support of HB 1847.

This bill defines the practice of nursing; directs the State Board of Nursing to adopt certain provisions of the National Council of State Boards of Nursing ("NCSBN) Model Nursing Practice Act ("MNPA") and Model Nursing Administrative Rules ("MNAR"); delineates the scope of practice for registered nurses, licensed practical nurses, and advanced practice registered nurses; repeals Hawaii Administrative Rules relating to prescriptive authority for advanced practice registered nurses.

I know firsthand that the Board worked with the Department of Health; Department of Human Services; the Hawaii Association of Professional Nurses; the Hawaii Long Term Care Association; Healthcare Association of Hawaii; the schools of nursing under the University of Hawaii system, Hawaii Pacific University and the University of Phoenix; and stakeholders in the health care community before deciding to adopt the MNPA and MNAR. All stakeholders reviewed and commented on how the adoption of MNPA and MNAR would impact their areas and a general consensus to adopt the MNPA and MNAR was formed among the stakeholders.

**So I strongly support passage of HB 1847.** Thank you for the opportunity to testify.

**PRESENTATION OF THE  
BOARD OF NURSING**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010

Tuesday, February 9, 2010  
9:30 a.m.

**TESTIMONY ON HOUSE BILL NO. 1847, RELATING TO THE PRACTICE OF NURSING.**

TO THE HONORABLE RYAN I. YAMANE, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Kathy Yokouchi and I am the Executive Officer of the Board of Nursing ("Board"). On behalf of the Board, I thank you for the opportunity to present testimony in support of House Bill No. 1847 and to request an amendment to the bill based on the Board's concern.

This bill defines the practice of nursing; directs the Board to adopt certain provisions of the National Council of State Boards of Nursing ("NCSBN") Model Nursing Practice Act ("MNPA") and Model Nursing Administrative Rules ("MNAR"); delineates the scope of practice for registered nurses, licensed practical nurses, and advanced practice registered nurses; and repeals Hawaii Administrative Rules relating to prescriptive authority for advanced practice registered nurses.

The Board is in support of House Bill No. 1847 because:

- Section 457-2, Hawaii Revised Statutes contains only two paragraphs on the practice of nursing as a registered nurse and a practical nurse;
- The demand from the health care community for further clarification of registered and practical nursing scope of practice has grown over the years;
- The guidelines for advanced practice registered nurses practice are consistent with Session Laws of Hawaii 2009, Act 169 (Sections 457-8.5 and 457-9);

- The purpose of the MNPA and MNAR is to provide uniform national guidelines relating to nursing practice for all state boards of nursing in the United States and its territories. Consumers benefit when nurses provide uniform nursing care;
- The MNPA and MNAR were approved by the Delegate Assembly of the NCSBN in 2006. The boards of nursing of the fifty states and the U.S. territories form the Delegate Assembly of the NCSBN;
- All amendments to the MNPA and MNAR require the approval of the Delegate Assembly;
- The adoption of the MNPA and MNAR does not give the NCSBN any legal authority in the State, over the Board, the nurse licensees, entity or person of the State;
- The Board worked with the Department of Health, Department of Human Services; the Hawaii Association of Professional Nurses; the Hawaii Long Term Care Association; Healthcare Association of Hawaii; the schools of nursing under the University of Hawaii system; Hawaii Pacific University; and the University of Phoenix; and stakeholders in the health care community before deciding to adopt the MNPA and MNAR. All stakeholders reviewed and commented on how the adoption of MNPA and MNAR would impact their areas;
- General consensus to adopt the MNPA and MNAR was formed among the stakeholders; and
- As the NCSBN amends the MNPA and the MNAR, the Board will study all changes in the context of Hawaii's nursing laws. If the Board determines that any of the changes conflict with existing state statutes, regulations, or constitutional law or are inappropriate to Hawaii, the Board will list these

exceptions in the Board's policy book and make them available to the public until it is able to incorporate the exceptions into its rules.

However, the Board does not support APRNs' dispensing of drugs and respectfully requests that Section 2, page 5 (lines 14-18) be amended to read as follows:

"...assessment and the diagnosis, prescription, selection and administration [~~and dispensation~~] of therapeutic measures including over the counter drugs, legend drugs, and controlled substances within the advanced practice registered nurse's role and specialty-appropriate education and certification."

For these reasons, the Board of Nursing strongly supports passage of House Bill No. 1847 with the proposed amendment. Thank you for the opportunity to testify.



# **UNIVERSITY OF HAWAII SYSTEM**

## **Legislative Testimony**

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Written Testimony Presented Before the  
House Committee on Health  
February 9, 2010, 9:30 a.m.

by

Virginia S. Hinshaw, Chancellor  
and

Mary G. Boland, DrPH, RN, FAAN  
Dean and Professor  
School of Nursing and Dental Hygiene  
University of Hawai'i at Mānoa

### **HB 1847 RELATING TO THE PRACTICE OF NURSING**

Chair Yamane, Vice Chair Nishimoto, and members of the House Committee on Health, thank you for this opportunity to provide testimony in support of HB 1847 updating Hawai'i Revised Statutes to adopt the provisions of the National Council of State Boards of Nursing (NCSBN) relating to the scope and standards of nursing practice.

We support this bill to update the nursing practice scope and standards with the NCSBN model. By applying the model in Hawai'i, we will be aligned with the nation's direction in nursing and healthcare, and advance the recent Hawai'i legislative changes to support advanced practice registered nursing in Hawai'i.

We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you for the opportunity to testify.



**nishimoto2-Ashley-Nicole**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 08, 2010 1:18 PM  
**To:** HLTtestimony  
**Cc:** geesey@hawaii.edu  
**Subject:** Testimony for HB1847 on 2/9/2010 9:30:00 AM

Testimony for HLT 2/9/2010 9:30:00 AM HB1847

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Yvonne Geesey  
Organization: Hawaii Association of Professional Nurses  
Address: PO Box 4314 Honolulu, HI 96812  
Phone: 808-227-9361  
E-mail: [geesey@hawaii.edu](mailto:geesey@hawaii.edu)  
Submitted on: 2/8/2010

**Comments:**

As nursing practice, education and health policy evolve, so does Hawai'i's nurse practice act need to. Adopting the proposed sections of the National Council of State Boards of Nursing will do so. Please pass this bill.

## nishimoto2-Ashley-Nicole

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 08, 2010 12:05 AM  
**To:** HLTtestimony  
**Cc:** wailua@aya.yale.edu  
**Subject:** Testimony for HB1847 on 2/9/2010 9:30:00 AM

Testimony for HLT 2/9/2010 9:30:00 AM HB1847

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Wailua Brandman APRN-Rx BC  
Organization: Individual  
Address: 615 Piikoi Street, Suite 1509 Honolulu, HI 96814  
Phone: 8082554442  
E-mail: [wailua@aya.yale.edu](mailto:wailua@aya.yale.edu)  
Submitted on: 2/8/2010

**Comments:**

This bill will support Act 169 from last session as well as align our State Nurse Practice Act with the National standard, necessary in the near future for the Interstate Compact and APRN Interstate Compace. This is good health care reform and will benefit patients enormously, bringing nurses to Hawai'i to lessen the burden of our nursing shortage. I agree with deleting the control substance dispensing, however I believe that APRNs should be able to receive samples. Our ethics prohibit us from misusing them and our competence enables us to use them wisely for our patients. Please pass this bill. Mahalo, Wailua Brandman APRN-Rx BC President, Hawai'i Association of Professional Nurses

**nishimoto2-Ashley-Nicole**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 08, 2010 8:43 AM  
**To:** HLTtestimony  
**Cc:** matt.bishop5@hawaiiantel.net  
**Subject:** Testimony for HB1847 on 2/9/2010 9:30:00 AM

Testimony for HLT 2/9/2010 9:30:00 AM HB1847

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Matthew Bishop  
Organization: Individual  
Address: 94-418 Kapuahi St. # 17 Mililani, HI  
Phone: 808-625-9698  
E-mail: [matt.bishop5@hawaiiantel.net](mailto:matt.bishop5@hawaiiantel.net)  
Submitted on: 2/8/2010

**Comments:**

I am writing in support of HB 1847. This is a great piece of legislation and will bring Hawaii more in line with a national direction for advancing our nursing profession. This is a great advantage to the patients that rely on our nurses to provide access to health care.

**nishimoto2-Ashley-Nicole**

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**From:** Denise Cohen [denisecohen@mac.com]  
**Sent:** Monday, February 08, 2010 8:44 AM  
**To:** HLTtestimony  
**Subject:** In support HB 1847

I am writing in strong support of HB 1847. This bill was written based on principles set forth by the National Councils of State Boards of Nursing (NCSBN). The goal of the is to put Hawaii in alignment with the NCSBN as healthcare changes in the 21st century. This bill will help clarify nursings' role and scope of practice.

Sincerely,

Denise Cohen, RN

TO:

COMMITTEE ON HEALTH  
Rep. Ryan I. Yamane, Chair  
Rep. Scott Y. Nishimoto, Vice Chair

Hearing

DATE: Tuesday February 9, 2010  
TIME: 9:30am  
PLACE: Conference Room 329,  
State Capitol

FROM: Dr. Linda Beechinor,  
Registered Nurse (RN)  
Doctor of Nursing Practice (DNP),  
Advanced Practice Registered Nurse with Prescriptive Authority  
(APRN-Rx),  
Faculty, Graduate Nursing Programs, several U.S. Universities,  
Primary Care Provider (PCP) at a community health center - Oahu

Re: HB 1847 Relating to the Practice of Nursing

Thank you for the opportunity to speak in strong support of this bill.

This bill is based on a great deal of work by the legislature, the Board of Nursing, and the broader community. It is intended to align our Nurse Practice Act in Hawaii with national scope and standards of practice, without compromising the power within the state of Hawaii to examine and change those in the best interest of our state.

Please call on me for further information at anytime.

Dr. Linda Beechinor, APRN-Rx  
500 Lunalilo Home Rd. # 27-E  
Honolulu Hawaii USA 96825  
phone: (808) 779-3001 fax (808) 395-7428  
e-mail <L.Beechinor@hawaiiantel.net>

**nishimoto2-Ashley-Nicole**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 08, 2010 11:06 AM  
**To:** HLTtestimony  
**Cc:** cmukai@hawaii.edu  
**Subject:** Testimony for HB1847 on 2/9/2010 9:30:00 AM

Testimony for HLT 2/9/2010 9:30:00 AM HB1847

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Cecilia Mukai  
Organization: Individual  
Address: 27 Hualilili St. Hilo, HI 96720  
Phone: 808-935-7050  
E-mail: [cmukai@hawaii.edu](mailto:cmukai@hawaii.edu)  
Submitted on: 2/8/2010

**Comments:**

I support HB 1847 as it will help strengthen the ability to oversee nursing practice in Hawaii to provide safer care to Hawaii's people.  
Cecilia Mukai