

SB 2163

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Friday, February 19, 2010
9:15 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2163, S.D. 1, RELATING TO THE PRACTICE OF NURSING.

TO THE HONORABLE ROSALYN H. BAKER, 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 strong support of Senate Bill No. 2163, S.D. 1, Relating to the Practice of Nursing, except for two provisions that are contained in Sections 2 and 4 of the bill.

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 supports these amendments 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 NC SBN 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 M NPA 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 the provision that would allow APRNs to dispense drugs and respectfully requests that Section 2, page 5 (lines 13-18) be amended to read as follows:

"...includes but is not limited to advanced 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."

Further, the Board is in very strong opposition to the provision in Section 4, page 11 (lines 13-20) which has the impact of changing the relationship between an APRN with prescriptive authority and a physician, by requiring supervision of the APRN who administers or prescribes controlled substances. The Board supports having a collaborative agreement between the prescribing APRN and the collaborating physician. "Supervision" of the APRN will diminish the intent of Session Laws of Hawaii 2009, Act 169, Section 1 which stated "The legislature finds that there is a need for more access to health care professionals, particularly in rural areas. Studies show that appropriately trained advanced practice registered nurses can provide high quality health care and achieve positive outcomes for patients. Advanced practice registered nurses are capable of providing primary health care and play an important role in meeting the growing demand for primary health care, particularly in underserved areas. The legislature further finds that the disciplines of medicine and nursing and the roles of physicians and advanced practice registered nurses are **complementary**...".

Further, Act 169, SLH 2009, Section 457-8.6(b)(5) charged the Board with establishing the appropriate working relationship between a physician and an APRN who wishes to prescribe controlled substances only. The Board's challenge was to decide on the type of relationship

that would utilize the best knowledge and abilities of the APRN and the physician to produce positive patient outcomes. As over 40 states allow an APRN to prescribe controlled substances at various levels under a collaborative agreement with a licensed physician, the Board feels that such an agreement is appropriate. Accordingly, the Board drafted rules to require a collaborative agreement. The rules are in the midst of adoption in accordance with Chapter 91, HRS. When adopted, the rules will require the collaborating physician and APRN to ensure that generally accepted standards of practice in prescribing Schedules II to V are maintained, including that of the U.S. Drug Enforcement Agency, the State Narcotics Enforcement Division and other applicable state and federal laws.

Therefore, the Board respectfully requests that Section 4, page 11 (lines 13-20) be amended to 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[-] ~~[and who is under the authority and supervision of a physician registered under section 329-33];~~ provided that an advanced practice registered nurse with prescriptive authority shall not be authorized to request, receive, or sign for professional controlled substance samples."

For these reasons, the Board of Nursing strongly supports passage of Senate Bill No. 2163, S.D. 1 with the proposed amendments. Thank you for the opportunity to testify.

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Friday, February 19, 2010
9:15 a.m.

TESTIMONY ON SENATE BILL NO. 2163, H.D. 1, RELATING TO THE PRACTICE OF NURSING.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Denise Cohen and I am an advanced practice nurse and an associate professor of nursing at Maui Community College on the island of Maui. I also represent Maui on the Board of Nursing. I want to thank you for the opportunity to present testimony in strong support of Senate Bill No. 2163, H.D. 1, except for 1 provision in Section 2.

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. Section 4

I am in support of Senate Bill No. 2163, H.D. 1 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, I do not support APRNs' dispensing of drugs as according to Narcotics Enforcement (NE) only pharmacists can dispense and I respectfully request that Section 2, page 4 (lines 10-11) be amended to read as follows:

"...includes but is not limited to advanced 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, I strongly support passage of Senate Bill No. 2163, H.D. 1 with the proposed amendments. Thank you for the opportunity to testify.

Respectfully submitted

Denise Cohen, APRN
Associate Professor of Nursing
University of Hawaii – Maui Community College



UNIVERSITY of HAWAII*
KAPI'OLANI
COMMUNITY COLLEGE

February 17, 2010

House of Senators

Committee on Health

To the Honorable Senators Baker, Chun Oakland, Espero, Ige, Nishihara and Salamoto:

Dear Members of the Health Committee:

I am a long-standing faculty nursing faculty member at Kapi'olani Community College and nurse within the community. I have worked with the DCCA-PVL branch for Nursing for nearly 20 years. Their statutes serve as law by which we teach the practice of nursing both for registered nurses and practical nurses at the community college.

This letter is on behalf of SB 2163 that updates the branch to be in adherence with the National Council of State Boards of Nursing Model Nurse Practice Act for the practical nurse (LPN), registered nurse (RN) and the advanced practice nurse (APRN).

Please do not hesitate to contact me at 734.9302 should you have any additional questions or concerns regarding the KCC Nursing Department's support of this bill.

Sincerely,

Karen R. Boyer, RN, MN, FNP

Associate Professor, Nursing

ADN Director and Clinical Facilities Liaison

4303 Diamond Head Road, Kapi'olani 201
Honolulu, Hawaii 96816-4421
Telephone: (808)734-9305
Facsimile: (808)734-9147
Website: www.kcc.hawaii.edu

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TOTAL P.02

Eric Arquero

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 18, 2010 10:58 AM
To: CPN Testimony
Cc: geesey@hawaii.edu
Subject: Testimony for SB2163 on 2/19/2010 9:15:00 AM

Testimony for CPN 2/19/2010 9:15:00 AM SB2163

Conference room: 229
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
Submitted on: 2/18/2010

Comments:

Aloha,

Hawaii Association of Professional Nurses supports this bill except for APRN Section 4 where it states: "and who is under the authority and supervision of a physician" APRNs in Hawai'i practice independently. APRNs are not under the authority or supervision of a physician.

Mahalo!

baker5 - Leo

From: Cecilia Mukai [cmukai@hawaii.edu]
Sent: Tuesday, February 16, 2010 10:15 AM
To: CPN Testimony
Subject: Comments to SB2163_SD1 - REMOVE amendment

Importance: High

Aloha, CPN Committee:

I had previously submitted testimony in SUPPORT of SB 2163.
I wish to submit testimony OPPOSING the amendment noted in <brackets>:

SECTION 4. Section 329-1, Hawaii Revised Statutes, is amended by amending the definition of "advanced practice registered nurse with prescriptive authority" to 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[,] and <who is under the authority and supervision of a physician registered under section 329-33>; provided that an advanced practice registered nurse with prescriptive authority shall not be authorized to request, receive, or sign for professional controlled substance samples."

* Comments: APRN prescriptive authority CANNOT continue to practice UNDER physicians or the desired efficiency and effectiveness of APRN care will be totally compromised. Please remove the amendment and revert to the original wording.

Thanks for your attention, Cecilia Mukai, PhD, APRN, FNP-C

THE SENATE HEALTH COMMITTEE
Wednesday, February 3, 2010
Senate conference room 16
3:00 PM

In SUPPORT of SENATE BILL NO. 2163
Relating to the Practice of Nursing

TO: THE HONORABLE DAVID Y. IGE, CHAIR,
THE HONORABLE JOSH GREEN, M.D., VICE CHAIR,
AND MEMBERS OF THE COMMITTEE

My name is Valisa Saunders and I testify in strong support of SB 2163. I have been a registered nurse for 33 years, an advanced practice registered nurse (APRN) for 27 years. I have been working as a nurse and Gerontological Nurse Practitioner in Hawaii for 26 years. In addition to my full time job as a clinician I am an adjunct faculty member for the University Of Hawaii School Of Nursing. As a past member and chair of the Board of Nursing (BON), 1995-2001 I am familiar with the work of the National Council of State Boards of Nursing (NCSBN). They have spent over 15 years perfecting nursing regulatory language with resources and consensus building with many nursing groups in the country. Hawaii would be wise to use this resource and adopt SB 2163 to implement the model.

I support SB 2163 for the following reasons:

1. SB 2163 updates definitions for nursing practice at all levels to give clarity to existing and proposed regulation.
2. SB 2163 aligns LPN, RN and APRN Scope of Practice with the highly developed NCSBN model approved by the state and territorial boards of nursing. This would help align Hawaii to facilitate implementation of interstate licensure of nurses should the Board determine that to do so would be in the best interest of the citizens of Hawaii.
3. SB 2163 aligns current pending nursing rules in Act 169 related to APRN practice.

Thank you for the opportunity to testify in support of SB 2163, relating to the practice of nursing. I am sorry that I cannot be present person to respond to any questions.

Valisa Saunders MN, APRN, GNP
Gerontological Nurse Practitioner
Email: Valisa@hawaii.rr.com

TO:

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair
Senator David Y. Ige, Vice Chair

DATE:

Friday, February 9:15 a.m.
19, 2010

Conference Room 229
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: SB 2163 SD1 Relating to the Practice of Nursing

I realize this hearing is for decision-making purposes only but I want to call your attention to an ALARMING insertion that begs to be removed from this draft.

SECTION 4. Section 329-1, Hawaii Revised Statutes, is amended by amending the definition of "advanced practice registered nurse with prescriptive authority" to 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[-]

and who is under the authority and supervision of a physician registered under section 329-33; provided that an advanced practice registered nurse with prescriptive authority shall not be authorized to request, receive, or sign for professional controlled substance samples."

Thank you for the opportunity to speak in strong support of this bill, as long as the highlighted areas above are removed. If this is not done, I would withdraw my support of this bill, as it corrupts the intent of all the work done in the past two decades by the legislature, the Board of Nursing, and the broader community, to increase access to the highest quality of primary healthcare, for all residents of Hawaii.

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>

baker5 - Leo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 17, 2010 11:42 AM
To: CPN Testimony
Cc: kohala123@msn.com
Subject: Testimony for SB2163 on 2/19/2010 9:15:00 AM

Testimony for CPN 2/19/2010 9:15:00 AM SB2163

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Elizabeth Bush, APRN
Organization: Individual
Address: 64-5234 Hohola Dr Kamuela, Hawaii
Phone: 808-885-5988
E-mail: kohala123@msn.com
Submitted on: 2/17/2010

Comments:
RE: Senate Consumer Protection Committee.

Please correct the error in the current draft of SB2163 that will be corrected in SD2

"SECTION 4. Section 329-1, Hawaii Revised Statutes, is amended by amending the definition of "advanced practice registered nurse with prescriptive authority" to 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[.] and who is under the authority and supervision of a physician registered under section 329-33; provided that an advanced practice registered nurse with prescriptive authority shall not be authorized to request, receive, or sign for professional controlled substance samples."

baker5 - Leo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 17, 2010 9:53 AM
To: CPN Testimony
Cc: matt.bishop5@hawaiiintel.net
Subject: Testimony for SB2163 on 2/19/2010 9:15:00 AM

Testimony for CPN 2/19/2010 9:15:00 AM SB2163

Conference room: 229
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@hawaiiintel.net
Submitted on: 2/17/2010

Comments:

I am writing in favor of the majority of SB 2163. Overall it will improve the access to health care for many Hawaii residents and also advance the practice of Nursing to be more in line with national standards and trends.
I am opposed to Section 4:329-1. There is no need for physician supervision and all this does is go against what the legislation put into law last year as Act 169. Properly trained nurses in their advanced practice role do not need physician supervision but need the ability to work in collaboration with all physician specialties. If the language in this section can not be changed then I am opposed to this bill moving forward.

baker5 - Leo

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 16, 2010 5:29 PM
To: CPN Testimony
Cc: wailua@aya.yale.edu
Subject: Testimony for SB2163 on 2/19/2010 9:15:00 AM

Testimony for CPN 2/19/2010 9:15:00 AM SB2163

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Wailua Brandman APRN-Rx BC
Organization: Individual
Address: 615 Piikoi Street, 1509 Honolulu, HI 96814
Phone: 8082554442
E-mail: wailua@aya.yale.edu
Submitted on: 2/16/2010

Comments:

Aloha respected committee members. I stand in strong support of this bill and take note of the error in the latest draft, which requires physician supervision of APRNs who prescribe controlled substances. I understand that this will be removed and only the dispensation of controlled substances by APRNs will be prohibited.

This bill brings Hawai'i up to the national standard of nursing practice and prepares our State for entry into the Interstate Compact Act and the APRN Interstate Compact, making it easier for nurses to come to Hawai'i to practice and ease our nursing shortage. The immediate repeal of the Collegial Relationship for APRNs prescribing legend medications will speed up access to care for many patients on the neighbor islands, where APRNs have not been able to find physicians willing to work with them in a collegial relationship. I strongly support passage of this bill. Thank you for the opportunity to testify. Warmest Aloha, Wailua Brandman APRN-Rx BC, President Hawai'i Association of Professional Nurses Member, APRN Advisory Committee to the Hawai'i Board of Nursing O'ahu Director-at-Large, American Psychiatric Nurses Association Hawai'i

baker5 - Leo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 17, 2010 7:50 AM
To: CPN Testimony
Cc: geesey@hawaii.edu
Subject: Testimony for SB2163 on 2/19/2010 9:15:00 AM

Testimony for CPN 2/19/2010 9:15:00 AM SB2163

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Yvonne Geesey
Organization: Individual
Address: PO Box 62245 Honolulu, HI
Phone: 808-227-9361
E-mail: geesey@hawaii.edu
Submitted on: 2/17/2010

Comments:
Aloha!

I support this bill except for APRN Section 4 where it states: "and who is under the authority and supervision of a physician" APRNs in Hawai'i practice independently. We are not under the authority or supervision of a physician. Please remove this language.

Yvonne Geesey
American Academy of Nurse Practitioners Hawai'i State Representative