

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON SENATE BILL 2163
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
Senator David Y. Ige, Chair
Senator Josh Green M.D., Vice Chair

Wednesday, February 3, 2010, 3:00 pm
State Capitol, Room 016

Senator Ige and Members of the Committee:

The Department of Public Safety cannot support Senate Bill 2163 as it pertains to Advance Practice Registered Nurses having the authority to dispense controlled substances. Page 5, lines 12-18 of Senate Bill 2163 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.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2010 8:06 AM
To: HTHTestimony
Cc: josephgiovannoni@yahoo.com
Subject: Testimony for SB2163 on 2/5/2010 2:45:00 PM

LATE

Testimony for HTH 2/5/2010 2:45:00 PM SB2163

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Joseph Giovannoni
Organization: Individual
Address: 1314 S. King St. Suite 953 Honolulu
Phone: 808-226-3754
E-mail: josephgiovannoni@yahoo.com
Submitted on: 2/4/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2010 11:01 AM
To: HTHTestimony
Cc: np_sanders@yahoo.com
Subject: Testimony for SB2163 on 2/3/2010 3:00:00 PM

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Testimony for HTH 2/3/2010 3:00:00 PM SB2163

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Paula Sanders
Organization: Individual
Address: 459 Patterson Road Honolulu, HI
Phone: 433-0670
E-mail: np_sanders@yahoo.com
Submitted on: 2/2/2010

Comments:

I support this bill. I am a perscribing Psychiatric Mental Health Nurse Practitioner here at the VA. The current process to get perscribing privledges here is HI is cumbersome and restrictive and limits access to care for underserved people. Thank you for your consideration of this request.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 3:21 PM
To: HTHTestimony
Cc: nidhi.chabora@carehawaii.com
Subject: Testimony for SB2163 on 2/3/2010 3:00:00 PM

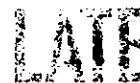
LATE

Testimony for HTH 2/3/2010 3:00:00 PM SB2163

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: nidhi
Organization: Individual
Address: POB 1400 Honokaa
Phone: 808 930 2802
E-mail: nidhi.chabora@carehawaii.com
Submitted on: 2/3/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 4:57 PM
To: HTHTestimony
Cc: hfeagai@hpu.edu
Subject: Testimony for SB2163 on 2/3/2010 3:00:00 PM
Attachments: SB2163 Testimony.doc



Testimony for HTH 2/3/2010 3:00:00 PM SB2163

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Hobie Etta Feagai
Organization: Individual
Address: 46-144 Alaloa Street Kaneohe, HI 96744
Phone: 236-7900
E-mail: hfeagai@hpu.edu
Submitted on: 2/3/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 11:50 AM
To: HTHTestimony
Cc: arleake@aol.com
Subject: Testimony for SB2163 on 2/3/2010 3:00:00 PM
Attachments: SB2163 testimony.doc

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Testimony for HTH 2/3/2010 3:00:00 PM SB2163

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Anne Leake
Organization: Individual
Address: 46395A Kahuhipa St. Kaneohe, HI
Phone: 247-4737
E-mail: arleake@aol.com
Submitted on: 2/3/2010

Comments:

Health reform may be delayed, and the uninsured need nurse practitioners now. SB2163 will help with access now, and will make Hawaii a nurse practitioner friendly state.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 9:56 AM
To: HTHTestimony
Cc: geesey@hawaii.edu
Subject: Testimony for SB2163 on 2/3/2010 3:00:00 PM

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Testimony for HTH 2/3/2010 3:00:00 PM SB2163

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Yvonne Geesey
Organization: Hawaii Association of Professional Nurses
Address: PO Box 4314 Honolulu, HI
Phone: 808-227-9361
E-mail: geesey@hawaii.edu
Submitted on: 2/3/2010

Comments:

Hawaii Association of Professional Nurses supports SB 2163.

From: JBRENCICK@aol.com
Sent: Wednesday, February 03, 2010 12:20 PM
To: HTHTestimony
Subject: SB2163 on 2/3/2010 3:00:00 PM

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Please pass this bill. It is important that ALL Hawaii citizens receive the expert care they deserve.
Janice M. Brencick
Kamuela, HI

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2010 3:48 PM
To: HTHTestimony
Cc: mj@tiffe.org
Subject: Testimony for SB2163 on 2/5/2010 2:45:00 PM

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Flag Status: Flagged

Categories: Red Category

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Testimony for HTH 2/5/2010 2:45:00 PM SB2163

Conference room: 016

Testifier position: support

Testifier will be present: No

Submitted by: MJ Amundson

Organization:

Address: 615 Piikoi #105 Honolulu, HI 96814

Phone: 596-8433

E-mail: mj@tiffe.org

Submitted on: 2/4/2010

Comments:

We are an organization who utilizes APRN-RX to monitor medications and evaluate the need for medication with Special Need children and adolescents on the Neighbor Island. There needs to be an amendment to the RX of controlled substances.