

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE SENATE COMMITTEE ON COMMERCE
AND CONSUMER PROTECTION

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Friday, April 1, 2011
9:00 a.m.

WRITTEN TESTIMONY

**TESTIMONY ON HOUSE BILL NO. 484, S.D. 1, RELATING TO ADVANCED
PRACTICE REGISTERED NURSES.**

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

My name is Lee Ann Teshima, Executive Officer for the Board of Nursing ("Board") and I appreciate the opportunity to submit testimony on House Bill No. 484, S.D. 1, Relating to Advanced Practice Registered Nurses. This bill proposes to allow an advanced practice registered nurse ("APRN") who meets the qualifications established by the Board to function as a primary care provider. The Board supports this bill as it would require hospitals licensed in this State to recognize the APRN as a primary care provider, and allow the APRN to receive the same benefits as other primary care providers.

In addition, the Department of Commerce and Consumer Affairs respectfully requests that section 457-8.6, Hawaii Revised Statutes ("HRS"), be amended by revising section 457-8.6(a), deleting section 457-8.6(b), and amending section 457-8.6(c)(1). We have attached a proposed S.D. 2 which includes the amendments for your consideration.

These amendments would accomplish several things. First, it will align Chapter 457, HRS, and conform the scope of practice for an APRN with the new rules that were approved by the Governor in December 2010. Secondly, it would allow citizens of this State more access to affordable healthcare by allowing an APRN to practice with minimum constraints and without further delay.

Thank you for the opportunity to provide testimony on House Bill No. 484, S.D. 1.

A BILL FOR AN ACT

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 323, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§323- Practice by advanced practice registered nurses.

5 Each hospital in the State licensed under section 321-14.5 shall
6 allow an advanced practice registered nurse recognized as such
7 under section 457-8.5 or a qualified advanced practice
8 registered nurse granted prescriptive authority under section
9 457-8.6 to practice within the full scope of the practice
10 authorized under chapter 457, including the function of a
11 primary care provider."

12 SECTION 2. Section 457-8.6, Hawaii Revised Statutes, is
13 amended by deleting a portion of section 457-8.6(a), by deleting
14 457-8.6(b) and by adding a provision to section 457-8.6(c) (1) to
15 read as follows:

16 "§457-8.6 Prescriptive authority for advanced practice
17 registered nurses. (a) The board shall grant prescriptive

1 authority to qualified advanced practice registered nurses and
2 shall designate the requirements for advanced nursing practice
3 related to prescriptive authority. ~~[The board shall determine~~
4 ~~the exclusionary formulary for qualified advanced practice~~
5 ~~registered nurses who are granted prescriptive authority.]~~

6 (b) ~~[The department of commerce and consumer affairs shall~~
7 ~~establish a joint formulary advisory committee composed of:~~

8 ~~(1) Two persons licensed as advanced practice registered~~
9 ~~nurses and appointed by the board;~~

10 ~~(2) Two persons licensed in medicine by the Hawaii medical~~
11 ~~board and appointed by the Hawaii medical board;~~

12 ~~(3) Three persons licensed as pharmacists and appointed by~~
13 ~~the board of pharmacy;~~

14 ~~(4) One representative of the University of Hawaii John A.~~
15 ~~Burns school of medicine appointed by the dean of the~~
16 ~~University of Hawaii John A. Burns school of medicine;~~
17 ~~and~~

18 ~~(5) One representative from a school of nursing with an~~
19 ~~advanced practice registered nurse program.~~

20 ~~The joint formulary advisory committee shall recommend the~~
21 ~~applicable formulary for persons recognized under this section.~~

1 ~~The board shall consider the recommendations of the joint~~
2 ~~formulary advisory committee in adopting the formulary. The~~
3 ~~appropriate working relationship with licensed physicians shall~~
4 ~~be reflected in rules adopted by the board in accordance with~~
5 ~~chapter 91.~~

6 (e) The board shall establish nursing requirements for
7 education, experience, and national certification pursuant to
8 rules adopted in accordance with chapter 91.

9 [(d)] (c) Advanced practice registered nurses shall be
10 considered qualified if they have met the requirements of
11 section 457-8.5(a), and have met the advanced pharmacology
12 requirements for initial prescriptive authority pursuant to
13 rules adopted by the board. Only qualified advanced practice
14 registered nurses authorized to diagnose, prescribe, and
15 institute therapy or referrals of patients to health care
16 agencies, health care providers, and community resources and,
17 only as appropriate, to the practice specialty in which the
18 advanced practice nurse is qualified, may:

19 (1) Prescribe and administer over the counter and legend
20 drugs, and controlled substances pursuant to this
21 chapter and to chapter 329; request, receive and

1 dispense manufacturers' prepackaged samples of over
2 the counter and non-controlled legend drugs to
3 patients under their care; provided that an advanced
4 practice registered nurse shall not request, receive,
5 or sign for professional controlled substance samples;
6 (2) Prescribe, order, and dispense medical devices and
7 equipment; and
8 (3) Plan and initiate a therapeutic regimen that includes
9 nutritional, diagnostic, and supportive services
10 including home health care, hospice, and physical and
11 occupational therapy."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon approval.

15

Report Title:

Advanced Practice Registered Nurse; Hospitals

Description:

Requires each hospital within the State to allow advanced practice registered nurses to practice within the full scope of the practice, including as a primary care provider. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Peggy Mierzwa

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 6:08 AM
To: CPN Testimony
Cc: joslynt001@hawaii.rr.com
Subject: Testimony for HB484 on 4/1/2011 9:00:00 AM

LATE

Testimony for CPN 4/1/2011 9:00:00 AM HB484

Conference room: 229
Testifier position: support
Testifier will be present: Yes
Submitted by: Thomas H Joslyn
Organization: Individual
Address:
Phone:
E-mail: joslynt001@hawaii.rr.com
Submitted on: 4/1/2011

Comments:

Hawaii Association of Nurse Anesthetists (HANA) Thomas H Joslyn CRNA, MS; HANA President

Related to HB 484.

Dear Chair Herkes, Vice Chair Yamane and House Committee Members of the Consumer Protection Committee. Thank you for allowing HANA to provide testimony in support of this bill.

As one of the largest groups of APRN's in the State of Hawaii (over 110 members), we urge you to support this bill and allow APRN's to practice to the full extent of their capacities, and in accordance with the clear intent of the State of Hawaii revisited stature 457. This Law, which was passed by the legislature and signed into Law in 2010, is based on the National Council of State Board of Nursing Consensus Models. There is nothing in these models that has anything to do with collaborative agreements for prescriptive authority or any other area requiring agreement to practice. As a Certified Register Nurse Anesthetist (CRNA) our education requires many, many hours of Pharmacology, as it relates to prescriptive authority. We also must have continuing education requirements, after our formal education in Pharmacology, to keep our national certification current. I am sure that our other APRN colleagues have similar educational requirements as well. Our entry level for a graduation CRNA is a master's level; this changes to a Doctorate level for all United States Schools of Nurse Anesthesia by the year 2014. Many educational sites have already completed this. We are well trained to use and prescribe all the medications we use on a daily basis, to treat our patients.

I urge you to pass this legislation, as it allows APRN's to practice as they are trained to do. This will also help the citizens of Hawaii better access to health care, as they now will have additional primary care providers available to see and treat them. Thank you for the opportunity to provide testimony. Thomas H Joslyn State

Peggy Mierzwa

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 2:03 AM
To: CPN Testimony
Cc: carolth@hawaii.rr.com
Subject: Testimony for HB484 on 4/1/2011 9:00:00 AM

LATE

Testimony for CPN 4/1/2011 9:00:00 AM HB484

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Carol Titcomb
Organization: Individual
Address:
Phone:
E-mail: carolth@hawaii.rr.com
Submitted on: 4/1/2011

Comments:

Peggy Mierzwa

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 01, 2011 1:50 AM
To: CPN Testimony
Cc: jtsark@imihale.org
Subject: Testimony for HB484 on 4/1/2011 9:00:00 AM

LATE

Testimony for CPN 4/1/2011 9:00:00 AM HB484

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: JoAnn Tsark MPH
Organization: Individual
Address:
Phone:
E-mail: jtsark@imihale.org
Submitted on: 4/1/2011

Comments:



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce and Consumer Protection
April 1, 2011, 9:00 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 484 SD1 RELATING TO ADVANCED PRACTICE REGISTERED NURSES

Chair Baker, Vice Chair Taniguchi, and members of the Senate Committee on Commerce and Consumer Protection, thank you for this opportunity to provide testimony in support of this bill, HB 484 SD1, requiring each hospital within the State to allow advanced practice registered nurses ("APRN") to practice within the full scope of the practice, including the function of a primary care provider.

Two decades ago, the Legislature in its wisdom recognized that APRNs are educationally prepared to assume responsibility and accountability for health promotion and maintenance as well as the assessment, diagnosis, and management of patient problems, which includes the use and prescription of pharmacologic and non-pharmacologic interventions. APRNs have proven themselves to have clinical experience of sufficient depth and breadth to have safely practiced within their specialties. They have safely prescribed drugs appropriate to their specialties for 15 years.

UH Mānoa Nursing supports this bill to require each hospital in the State licensed under section 321-14.5 to allow an APRN recognized as such under section 457-8.5 or a qualified APRN granted prescriptive authority under section 457-8.6 to practice within the full scope of the practice authorized under chapter 457, including the function of a primary care provider. We hope that this Committee would consider amending this measure to include long term care settings as well.

Further, we strongly feel that some of the current provisions in Section 457-8.6, HRS, are inconsistent with the Legislature's recognition of APRNs as primary care providers. APRNs with prescriptive authority should be allowed to prescribe independently provided they prescribe drugs appropriate to their specialty. Like other primary care providers, APRNs need to be personally accountable for their practice. Therefore, we have proposed amendments to Section 457-8.6, HRS, which is attached as a Senate Draft 2 for your consideration.

We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you.

1

RELATING TO ADVANCED PRACTICE REGISTERED NURSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 323, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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SECTION 2. Chapter 457-8.6, Hawaii Revised Statutes, is amended ~~by deleting section 457-8.6.(b) and adding a provision to section 457-8.6(c)(1)~~ to read as follows:

“§457-8.6 Prescriptive authority for advanced practice registered nurses. (a) The board shall grant prescriptive authority to qualified advanced practice registered nurses and shall designate the requirements for advanced nursing practice related to prescriptive authority. ~~[The board shall determine the exclusionary formulary for qualified advanced practice registered nurses who are granted prescriptive authority.]~~

(b) ~~[The department of commerce and consumer affairs shall establish a joint formulary advisory committee composed of:~~

~~(1) Two persons licensed as advanced practice registered nurses and appointed by the board;~~

~~(2) Two persons licensed in medicine by the Hawaii medical board and appointed by the Hawaii medical board;~~

~~(3) Three persons licensed as pharmacists and appointed by the board of pharmacy;~~

~~(4) One representative of the University of Hawaii John A. Burns school of medicine appointed by the dean of the University of Hawaii John A. Burns school of medicine; and~~

~~(5) One representative from a school of nursing with an advanced practice registered nurse program.~~

~~The joint formulary advisory committee shall recommend the applicable formulary for persons recognized under this section. The board shall consider the recommendations of the joint formulary advisory committee in adopting the formulary. The appropriate working relationship with licensed physicians shall be reflected in rules adopted by the board in accordance with chapter 91.~~

~~(e)~~ The board shall establish nursing requirements for education, experience, and national certification pursuant to rules adopted in accordance with chapter 91.

~~(d)~~ (c) Advanced practice registered nurses shall be considered qualified if they have met the requirements of section 457-8.5(a), and have met the advanced pharmacology requirements for initial prescriptive authority pursuant to rules adopted by the board. Only qualified advanced practice registered nurses authorized to diagnose, prescribe, and institute therapy or referrals of patients to

health care agencies, health care providers, and community resources and, only as appropriate, to the practice specialty in which the advanced practice nurse is qualified, may:

- (1) Prescribe and administer over the counter and legend drugs, and controlled substances pursuant to this chapter and to chapter 329; [request, receive and dispense manufacturers' prepackaged samples of over the counter and non-controlled legend drugs to patients under their care](#); provided that an advanced practice registered nurse shall not request, receive, or sign for professional controlled substance samples;
- (2) Prescribe, order, and dispense medical devices and equipment; and
- (3) Plan and initiate a therapeutic regimen that includes nutritional, diagnostic, and supportive services including home health care, hospice, and physical and occupational therapy.

SECTION 2. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Report Title:

Advanced Practice Registered Nurse; Hospitals

Description:

Requires each hospital within the State to allow advanced practice registered nurses to practice within the full scope of the practice